

NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT

GIFT AND DONATION POLICY

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Implementation Date	01 April 2024 31 March 2025					
Review Date Description	This policy defines the Department's position					
	on GIFTS AND DONATIONS . It contains the basic framework as well as roles and					
	responsibilities.					
Coverage	All officials of Department of Social Development and stakeholders conducting business with the department					

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1. **DEFINITION**

"Benefit" shall mean any tangible or intangible advantages or profits gained, such as tickets to sporting or other events, invitations to lunches, dinners, promotions or travel,

"HOD" shall mean the Head of Department/Accounting officer.

"Senior Management" means the Senior Management Service consisting of Employees who are incumbents of posts graded on level 13 or above, unless Specifically excluded in terms of a determination or deemed determination by the Minister;

"Ethics Champion" is an official appointed by the Head of the Department who are assigned the responsibility to drive the ethics and anti-corruption initiatives in the Department

"Corruption" shall mean the abuse of a position of employment by offering or acceptance of a benefit that is not legally due, for the commission of an act in connection with that position of employment, as defined in the *Prevention and Combating of Corruption Activities Act, No* 12 of 2004.

"Customers or clients" shall mean existing and potential future customers, stakeholders or clients external to the DSD.

"Stakeholders" is employees, suppliers and the community which the Department draws its resources

"Third party" someone who may be indirectly involved with the Department but is not a principal party to a contract or transaction

"Assets" is a resource controlled by the department as a result of past events and from which future economic benefits are expected to flow to the department

"Employer" means a person who:-

- a) Who employs or provides work for any other person and undertakes to remunerate such person;
- b) Who permits any person to assist in the carrying out of the department's mandate?

"Employee" means a person who: Has been appointed permanently, notwithstanding that such appointment may be on probation, to a post contemplated in section 8 (1) (a) of the Public Service Act, and includes a person contemplated in section 8 (1) (b) or 8 (3) (c) of that act; or

a) Has been appointed on contract in terms of section 8 (1) (c) (ii) of the Public Service Act.

"Gifts" shall mean receipts of loans; payments; information or money; services; personal travel; entertainment; gifts or favours from customers or suppliers, or from a person doing or seeking to do business with the DSD; any discount; hospitality; tangible or intangible item to the cumulative value of R350 per year, unless prior approval is obtained from the relevant executive authority; including but not limited to, cash, food and drink and honoraria for speaking engagements related to or attributable to the DSD and employment or the official position of an employee.

"Gratification" shall mean gratification as defined in section 1 of the *Prevention and Combating of Corrupt Activities Act No 12 of 2004* (as amended).

"Suppliers" shall mean existing and potential vendors, contactors, sourcing partners, service providers, distributors, and consultants who supply goods or services to the Department, as well as any other third parties who may in future become suppliers or vendors of goods or services to the Department.

"*Family member*", in relation to any person, means his or her parent, sister, brother, child or spouse—

- (a) Including a person living with that person as if they were married to each other, namely a life partner;
- (b) Whether such relationship results from birth, marriage or adoption;
- (c) Including any other relative who resides permanently with that person; and
- (d) Including any other relative who is of necessity dependent on such person;

"*Donations*", A donation may take various forms, including <u>cash offering</u>, <u>services</u>, new or used goods including <u>clothing</u>, <u>toys</u>, <u>food</u>, and <u>vehicles</u>.

- "*Sponsorship*", To **sponsor** something is to support an event, activity, person, or organization financially or through the provision of products or services in return for access for commercial, profit purpose associated with that person or organization.
- "*Rewards"* To give money or another kind of payment that is given or received for something that has been done or that is offered for something that might be done
- "Hospitality" The activity of providing food, drinks, etc. for people who are the guest or customers of an organization.

2. ACRONYMS

- 2.1 **EA-** Executive Authority of the Department
- 2.2 **DSD-** Department of Social Development
- 2.3 **HOD-** Accounting Officer of the Department
- 2.4 PRECCA- Prevention and Combating of Corrupt Activities Act 12 of 2004
- 2.5 **PFMA-** Public Finance Management Act 1 of 1999
- 2.6 PSR- Public Service Regulations 01 August 2016
- 2.7 **PSC-** Public Service Commission
- 2.8 **DPSA-** Department of Public Service Administration
- 2.9 AGSA- Auditor General South Africa
- 2.10 **NGO-** Non Government Organization
- 2.11 NPO- Non Profit Organization
- 2.12 **FPP** –Fraud Prevention Policy
- 2.13 **FPS-**Fraud Prevention Strategy
- 2.14 SAPS- South African Police Services

3. INTRODUCTION

This policy in terms of gifts and donations is authorised by section 45(b), (c) and section 76 (1) of Public Finance Management Act, Public Service Regulations and Public Service Code of Conduct which places an onus on each of official within the department to take responsibilities for the effective, efficient, economical and transparent use of financial and other resources within that official's area of responsibility.

4. POLICY OBJECTIVES

- 4.1. This policy will be applicable to all employees within the Department of Social Development.

 The aim of this policy is to:
 - Give direction and directive to all employees of the Department on matters relating to acceptance and granting of gifts, donations and sponsorships to the state;
 - Provide guidance on the behaviours expected in accordance with the Public Service
 Commission values;
 - · Promote transparency and avoid conflict of interest;
 - Ensure fairness in the interests of employees and the Department;
 - Comply with the requirements of the law relating to the prevention of corruption;
 - To ensure proper disclosure of all gifts, donations and sponsorships granted and accepted by the department.
- 4.2 By ensuring the above is implemented, the Department will be able to:
 - Allow employees, where appropriate, to accept and receive gifts provided that these gifts do not interfere with or have the potential to interfere with their responsibilities to the department, improperly influence the judgments expected of them when acting on behalf of the Department, or amount to corruption in anyway.
 - Protect employees from misplaced charges of conflict of interest or corruption by providing a mechanism for the acceptance and of gifts by employees

5. SCOPE OF POLICY

5.1 This policy applies to all employees of the Department, including interns, learners and third parties directly or indirectly having dealings with the department.

6. LEGISTLATIVE MANDATE

6.1. The Constitution of the Republic of South Africa 108 of 1996

Set a high standard of professional ethics which, must be promoted and maintained. Services must be provided impartially, fairly, equitably and without a bias. Public administration must be accountable. Transparency must be fostered by providing the public with timely, accessible and accurate information.

6.2. Public Finance Management Act (PFMA)

Act 1 of 1999 as amended by Act 29 of 1999, section 81 which deals with financial misconduct by officials in the departments and constitutional institutions. Section 85 and 86 deals with regulation on misconduct procedures and offences and penalties.

6.3. Treasury regulation chapter 4

Makes provisions that the Accounting Officer may approve Gifts and Donations of state money and other movable property in the interest of state.

6.4. Protected Disclosure Act 26 of 2000

It makes provision for procedures in terms of which employees in both the private and public sector may disclose information regarding unlawful of irregular conduct by their employers or other employees in the employ of their employer; also provide for the protection of employees who make a disclosure which is protected in terms of this act and to provide for matters connected therewith.

6.5. Prevention and Combating of Corrupt Activities Act 12 of 2004

It guides the departments on how to prevent and combat corrupt activities in the workplace.

6.6. Public Service Act, 1994

To provide for the organisation and administration of the public service of the Republic, the regulation of the conditions of employment, terms of office, discipline, retirement and discharge of members of the public service, and matters connected therewith.

6.7. Public Service Regulations, August of 2016

Makes provisions on how employees must conduct business with the state and disclose their financial interest in the Public Service

6.8. The Public Sector Integrity Management Framework

Provides a comprehensive Integrity Framework derived from the existing regulatory framework dealing with a compendium of ethical and good governance measures in order to align all measures regulating ethics and integrity in the public sector, by:

- Strengthening existing measures regulating probity in the public service;
- Strengthening capacity to prevent corruption;
- Monitoring and evaluation to ensure compliance; and
- Introducing compulsory financial disclosure, the declaration of gifts, hospitality and sponsorships and approval for other remunerative work.

6.9. Batho Pele principles

They were developed to serve as acceptable policy and legislative framework regarding service delivery in the public service. These principles are aligned with the Constitutional ideals of promoting and maintaining high standards of professional ethics; providing service impartially, fairly, equitably and without bias; utilizing resources efficiently and effectively; responding to people's needs; the citizens are encouraged to participate in policy-making; and rendering an accountable, transparent, and development-oriented public administration.

6.10. Public Service Code of conduct

It outlines how the employees within public service should conduct their duties, how they should relate to the public and how to conduct their personal and private interest.

Other internal policies, delegation of authority, conditions of service and disciplinary processes.

7. RATIONALE OF POLICY

The Departmental Gift and Donations Policy is developed in line with the Public Sector Integrity Management Framework and relevant acts of the South African Government, and any acceptance of an offer of a bribe or a commission must however be viewed as illegal and may result in criminal action.

Employees must take great care not to be placed in a situation where their actions might be construed to be improper, may indicate bias towards an organisation or person, or indicate favouritism towards any organisation or person.

8. STAKEHOLDER ANALYSIS

8.1. Roles and Responsibility of Internal Stakeholders

8.1.1 Accounting Officer

The Accounting Officer of the Department is accountable for overall governance in the Department. The Accounting Officer must set appropriate measures (i.e. the development of strategies/gift and donation policies and approval of gift register for the effective management of gifts and donations.

8.1.2 Ethics Officer

The Ethics Officer shall submit quarterly written reports to the Accounting Officer of all gifts and donations received in cash or in kind.

8.1.3 Senior Management

They shall be responsible for ensuring that they will receive quarterly declaration of all their subordinates.

8.1.4 Risk Management Directorate

The Risk Management Directorate shall be the custodian of this policy, and coordinate corruption prevention activities throughout the department. The primary responsibility of the Directorate shall be to investigate corruption where it is reported.

8.1.5 Legal Services

The role of Legal Services shall be upon recommendation or after the investigation kick start a process of recovery of loss, or recommend any other alternative relief possible.

8.1.6 Labour Relations Unit

When determining the appropriateness of disciplinary steps against an official charged in terms of Section 38 (1) (h) of PFMA, Labour Relations takes the following into account:

- The circumstances of the transgression
- The extent of the expenditure involved
- The seriousness of the transgression
- Ensuring that the disciplinary process is carried out within ninety days

Advising the Executive Authority, the Department of Public Service and Administration and the Public Service Commission of the outcome of disciplinary and criminal proceedings.

8.1.7 Asset Management Unit

The Unit shall be responsible for the asset verification through observation, listing and counting of major and minor assets to determine condition, location, physical existence and usage levels and validate against physical and accounting records.

The next step will be to record in the Departmental Assets and Gift Register

8.2 Roles and Responsibility of External Stakeholders

8,2,1 South African Police Service

The role of SAPS in terms of this policy shall be limited to the Department reporting cases of corruption and the Department doing follow ups regarding any progress that would be registered concerning those matters.

8.2.2 Public Service Commission

The Public Service Commissioner refers to the Department all cases of corruption reported through the National Hotline. The interaction of the Department and Public Service Commission shall be limited to us investigating and providing PSC with regular updates in as far as the responsibility of the Department is concerned regarding those cases.

8.2.3 Office of the Premier

It is the coordinating office in terms of this policy in as far as implementation of corruption prevention activity in the Department.

The Department shall have the responsibility to be part of any fraud prevention organized by the Office of the Premier and provide feedback on all cases referred to the Department by Public Service Commission through office of the Premier.

9. PROCEDURE FOR THE ACCEPTANCE AND RECEIPTS OF GIFTS BY THE DEPARTMENT

- 9.1 The Accounting Officer may approve the acceptance of gifts, donations and sponsorships to the state, whether in cash or in kind
- All gifts, donations and sponsorships to the Department must be formally acknowledged by the Accounting Officer.
- 9.3 All cash, gifts, donations or sponsorships must be paid into the relevant revenue fund except for those excluded by Treasury Regulation 21.2.5
- 9.4 The MEC may decide how a gift, donation or sponsorship should be utilised where it is not apparent for what purpose it should be applied.
- 9.5 All gifts, donations or sponsorships received during the course of the financial year must be disclosed as a note to the annual financial statements of the department.
- .6 When a donor or sponsor request to remain anonymous, the Accounting Officer must submit to the Provincial Treasury, a certificate from both the Public Protector and the Auditor General.

10 PROCEDURE FOR THE ACCEPTANCE AND RECEIPT OF GIFTS BY EMPLOYEES

10.1 Cash or Cash Equivalents

10.1.1 Offers of cash or cash equivalents (e.g. lottery tickets, gift vouchers or gift cheques) made by suppliers, contractors, vendors service users, their relatives or any other third party to individuals officers/employees of the Department of Social Development **should be declined**.

10.2. Non Cash gifts

10.2.1 PSR Regulation 13 (h)- ethical conduct: An employee shall not receive or accept any gift from any person in the course and scope of his or her employment, (other than from a family

member), to the cumulative value of R350 per year, unless prior approval is obtained from the relevant executive authority;

- Can still receive to the cumulative value of R350 per year;
- Not necessarily from the same person;
- If more than R350 obtain permission from Executive Authority
- 10.2.2 Seasonal gifts such as calendars or diaries can be accepted. This type of gift can be easily distinguishable from more expensive or substantial items which cannot on any account be accepted.
- 10.2.3 Corporate gifts such as branded stationery, cups or mugs can be accepted by officials. However corporate gifts that are valued or has rand value of R350 or more must be declared.
- 10.2.4 Corporate gifts issued by service providers at seminars, workshops, training, conferences ,meetings, indabas etc. may be accepted by officials and to be declared to the Accounting officer for approval, including the officials must declare such gifts if it has a rand value of 350 or more.
- 10.2.5 However if you received an inexpensive gift as outline in clause 10.2.1 to 10.2.3 above and it has become more than once within a financial year the value of the gifts had become immaterial, and should thereafter be declared to the Accounting Officer with immediate effect through utilizing the appropriate form prescribe for such declaration. These clauses will therefore no longer provide the official with any protection, if they do not declare.
- 10.2.6 Corporate gifts issued by the Department to its own officials through event such as women events as example or any other similar events, are allowed and acceptable if priory approved by the Accounting Officer through the regular tender procedures as prescribe and does not need to be declared.
- 10.2.7 Gifts or donations received with a rand value of less than R350 may not be disclosed however such gifts or donations received should be registered to monitor the accumulative rand value of gifts and donation, and should the accumulative rand value be R350 or more within the financial year then prior approval must be obtained prior to acceptance of the gifts and donation.
- 10.2.8 No official is allowed to request sponsorship on behalf of the department without the prior written approval of the relevant authority.
- 10.2.9 All request for sponsorship should be made in writing, to the relevant authority, specifying the particulars of the sponsorship, donation, gift or hospitality and be accompanied by the relevant

supporting documents for approval by the relevant authority, before any request is made on behalf of the department or any acceptance is made whether it be in an individual or joint capacity or on behalf of the department

- 10.2.10 If an official were to declare or disclose any such gifts, and the officials failed to do so within a reasonable time frame being within a week (5 working days) of acceptance, the official will be in misconduct, and will be disciplined in accordance with the Public Service Disciplinary measures and procedures as prescribed.
- 10.2.11 The acceptance of any gift or donation is subject to a submission recommended by the relevant manager, Supervisor, Director or District Director for approval by the Accounting Officer. Submission must pass through the Risk Management Directorate for recommendations to the Accounting Officer who will then issue out acknowledgement receipts and provide the final outcome.
- 10.2.12 The response towards the approval or disapproval should be communicated to the official within at least 30 days from receipt of the request
- 10.2.13 Disclosure in a Gift Register must take place in accordance with the prescribed form attached as **Annexure A** to the policy.
- 10.2.14 The acceptance or receipt of the gift may not take place in circumstances that amount to a conflict of interest on the part of the employee.
- 10.2.15 The acceptance or receipt of the gift may not take place in circumstances that amount to corruption.

11. PROCEDURE FOR DISCLOSING GIFTS

- 11.1 The procedure for disclosing any gift or donation is subject to a submission to the relevant manager, Supervisor, Director or District Director who then make recommendations to the Accounting Officer and it must pass through the Risk Management Directorate for recommendations to the Accounting Officer who will then issue out then provide the final outcome.
- 11.2 The submission shall be forwarded to the Accounting Officer through the Risk Management Directorate for approval and shall include the following:

Motivation, why it is in the interest of the Department to grant a gift or donation.

- Details of the recipient of the gift or donations.
- The cost of the gift or donations
- The benefit to the department , if any , and the link to its strategic objective/Plan

- Any other relevant information that would enable the Accounting Officer to decide whether or not such a gift or donation should be granted.
- 11.3 The Risk Management unit shall maintain proper record of all payments for reporting and recording purposes.

12. PROHIBITION ON ACCEPTANCE AND RECEIPTS OF GIFTS

- 12.1 DSD employees are required to use their best judgement to avoid situations of real or perceived conflict. Employees shall not accept, solicit or receive gifts, donations or any other benefits that may have an influence on their objectivity in carrying out their official duties or that may place them under obligation to the donor.
- 12.2 The improper acceptance of gifts and hospitality will lead to accusations of bias and even corruption, potentially leading to investigations and possible corrective action and charges
- 12.3 It is not feasible that a comprehensive set of rules be drawn up to cover every situation. The situation context must be borne in mind, specifically the relationship between the DSD, the organisation concerned and the role of the individual in that relationship. However, improper acceptance of a gift or hospitality will be viewed in a serious light and may, apart from any other consequences, lead to internal disciplinary action.

13. GENERAL PROHIBITION

- 13.1 In accordance with an employee's obligation to act in the best interest of his/her employer, all employees are prohibited from soliciting, accepting or receiving, or from agreeing to solicit, accept or receive, any gifts directly or indirectly, other than in terms of the procedures prescribed in this policy.
- 13.2 An employee's family is prohibited from soliciting, accepting or receiving any gifts directly or indirectly on behalf of the employee, where such gifts are obtained from suppliers, clients or third parties, and where the employee has a professional relationship with those suppliers, clients or third parties on behalf of the Department.
- 3.3 In the event of uncertainty as to whether a disclosure should be made in terms of this policy, it is the duty of an employee to seek advice and to make a disclosure as per the appropriate procedures described below.

14. SPECIFICALLY PROHIBITED GIFTS

- 14.1 All travel at the expense of suppliers, vendors, clients or third parties by employees or employee's family is specifically prohibited.
- 14.2 The acceptance or receipt of cash (bank notes or equivalent) is specifically prohibited.

15. REPORTING OF NON-DISCLOSURE

- 15.1 Reporting by employees at Service Point/ District office and Head Office:
 - All employees should report immediately all allegation and incidents of contravention of gifts and donations policy to their immediate supervisor/manager.
 - If the employee has reasonable believe that the immediate supervisor/manager is involved, employee should report to the next level of management.
 - Should the employee have reservation about contravention of gifts and donations policy to their immediate supervisor/manager, employee should either;
 - Report allegations of corruption anonymously, by contacting any member of the management,
 - Report to Risk Management Directorate.

- Report to office of the Head of Department,
- Report to the National Anti-Corruption Hotline at 0800 701 701.

15.2 Reporting by member of public or NGO

The department encourages a member of the public who suspects contravention of gifts and donations policy to contact either of the following:

- Service Points Managers
- District Directors
- Member of Senior Management
- Risk Management Directorate
- Office of the Head of Department
- Office of the Public Protector
- National Anti-Corruption Hotline 0800 701 701
- South African Police Services
- Office of Auditor General

16. NON-COMPLIANCE OF SANTIONS

- 16.1 Departmental employees shall adhere to the Public Service Regulation and confines to all relevant and cultural values.
- 16.2 In terms of the Public Service Code of Conduct all employees are not allowed to receive gifts or benefits for himself or herself as these maybe construed as a bribe. Refer: Chapter 2-Part 1. 13 (h) of Public Service Regulations of 2016.
- 16.3 When a person is employed as a public servant, such an appointment carries a very special meaning. It clearly implies that such an employee sells his or her labour to the state and will be remunerated from the taxes collected from the community at large and that the employee shall then provide the community with the best possible service in a professional and dedicated manner.
- 16.4 Ethical conduct in the public service is required by the Constitution, Section 195(1) of the Constitution requires a Public Administration that is governed in terms democratic values and principles including high standard of professional ethics must be promoted and maintained.
- 16.5 Therefore non-compliance with the Gift and Donation Policy will constitute into misconduct.

17. CREATING AWARENESS

17.1 In order for the policy to be sustainable, it must be supported by a structured education,

communication and awareness programme.

17.2 It is the responsibility of all Program Managers, District and Service Point Mangers to ensure

that all employees, are made aware of, and receive appropriate training and education with

regard to the Gifts and Donation Policy.

18. MONITORING

18.1 The Ethics Officer shall submit a written report to the Accounting Officer of all Gifts and

Donations received in cash or in kind.

18.2 All supervisors, managers and directors must ensure that the implementation of this policy is

monitored and adhered to it thereof.

18.3 Risk Management will therefore during their integration of risk management in to the

operation of the departmental programmes conduct awareness on the implementation and

monitoring of the gift and donation policy.

19. ADMINISTRATION

19.1 The Department has overall responsibility for the maintenance and operation of this

policy and will be supported by the Risk Management Directorate and Human Resource in

maintaining a record of concern raised and the outcomes (but in the form which does not

endanger confidentiality).

19.2 The custodian of this policy is the HOD who is supported in its implementation by the entire

department's senior managers.

20. POLICY REVIEW

20.1 This policy will be reviewed after three years and appropriate changes will be effected

should these be required before the review date.

Approved BY:

DR. F. NGQØBE

ACTING/HEAD OF DEPARTMENT

DATE

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ANNEXURE A DEPARTMENT OF SOCIAL DEVELOPMENT. **DSD Disclosure Form:** Disclosure Form for Acceptance or Receipt of Gifts below R350.00 **Purpose** The purpose of this disclosure form is to provide a record of any gifts accepted or received by an employee as stipulated in the DSD Gifts and Donation Policy. **Disclosure** Please provide details of any gifts accepted or received, including the name of the supplier, client or third party, the nature of the gift, the estimated value of the gift, the date of acceptance or receipt of the gift, and any other relevant information. Please attach any relevant documents to this disclosure form.

Certification

I have read and understood the Departmental Policy on Gifts and have disclosed all material facts and circumstances relating to the receipt and acceptance of the specified gifts (including benefits or gratuities as defined in the policy).

I understand that if I have misrepresented the material nature of any gift accepted or received, that such action could constitute misconduct that may result in disciplinary action being taken against me, which may result in dismissal.

Employee Signature:	Date:
Employee Name:	_ Employee No:
Manager Name:	
Manager Signature:	
Ethics Signature:	Date:
Head of Department Signature:	Date:

ANNEXURE B DEPARTMENT OF SOCIAL DEVELOPMENT. DSD Application Form for gifts and donation: Gifts above R350.00 PERSONAL DETAILS OF APPLICANT Surname **First names** Personnel number **Contact details Disclosure** Please provide details of gifts, including the name of the supplier, client or third party, the nature of the gift, the estimated value of the gift, the date receipt of the gift, and any other relevant information. Please attach any relevant documents to this disclosure form. **Recommendation by Supervisor** Application is supported/not supported Motivation for recommendation/reasons for not supporting

Signature of Supervisor:
Designation:
Date:
Recommendation by Ethics Officer
Application is supported/not supported
Motivation for recommendation
Signature of Ethics Officer:
Approval by Accounting Officer
Application is approved/not approved
Comments



DEPARTMENT OF SOCIAL DEVELOPMENT GIFT AND DONATION REGISTER 2024/2025

NAME OF THE DONER				
VALUE OF A GIFT/DONATI ON				
THE NATURE OF A VALUE OF A GIFT/DONATI ON				
IGNATURE OF FFICIAL ECEIVING IFT/DONATION				
OF THE WHEN SI THE OF THE NATIO N WAS RECEIVED G				
PERSAL NUMBER OFFICIAL RECEIVII GIFT/DO N				
POSITION OF OFFICIAL RECEIVING A GIFT/DONATION				
NAME OF OFFICIAL RECEIVING A GIFT/DONATI ON				