

PROMOTION OF ACCESS TO INFORMATION MANUAL

(Prepared in terms of ss14 and 51 of the Promotion of Access to Information Act 2 of 2000 (PAIA))

DOCUMENT REF:	PAI 001/2023
VERSION NO:	001
POLICY OWNER:	PSETA DEPUTY INFORMATION OFFICER
REVIEWED DATE	01 JULY 2023
ORIGINAL EFFECTIVE DATE	N/A
LAST REVISION DATE:	N/A
NEXT REVISION DATE:	JULY 2025
NAME AND DESIGNATION OF THE LINE EXECUTIVE MANAGER	CORPORATE SERVICES EXECUTIVE
SIGNATURE OF THE LINE EXECUTIVE MANAGER AND DATE	N/A
NAME AND DESIGNATION OF THE RECOMMENDING OFFICIAL	BONTLE LERUMO CHIEF EXECUTIVE OFFICER
SIGNATURE OF THE RECOMMENDING OFFICIAL AND DATE	
NAME OF APPROVAL AUTHORITY	BONTLE LERUMO CHIEF EXECUTIVE OFFICER
SIGNATURE OF APPROVAL AUTHORITY	
DATE OF APPROVAL	22 August 2023
EFFECTIVE DATE	23 August 2023



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1. INTRODUCTION

- 1.1. Section 32(1) (a) of the Constitution of the Republic of South Africa of 1996, states that “everyone has a right of access to any information held by the state and any information held by another person that is required for the exercise or protection of any rights”. The Promotion of Access to Information Act 2 of 2000 (hereinafter referred to as “the PAIA Act”) is the national legislation which was enacted to give effect to the constitutional right of access to information.

- 1.2. The PAIA Act gives all South Africans the right to have access to records held by the state, government institutions and private bodies. The PAIA Act, however, recognises that such a right of access to information is subject to justifiable limitations and seeks to balance the requester’s constitutional rights to information against the information officer’s right to refuse access to information on any of the grounds mentioned in Part 2, Chapter 4 of the PAIA Act.

- 1.3. In terms of section 14 of the PAIA Act, all public bodies must have information manuals to assist any person who needs to have access to records of the public bodies. In this regard, the Public Services Sector Education and Training Authority (“PSETA”) has published this PAIA manual to serve as a guide on how members of the public can access information that is kept in the records of PSETA, with the purpose that the information contained herein will be of assistance and ensure that all requests for access to information are dealt with efficiently and effectively, thereby promoting the objectives of the PAIA Act.

- 1.4. This PAIA manual also contains information of the designated Information Officer and Deputy Information Officer of PSETA, who are responsible for the handling of all applications that are made for access


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of information. In addition, this PAIA Manual contains information relating to its organogram, core functions and a list of all records kept by PSETA.

2. PURPOSE AND OBJECTIVES

2.1. This PAIA Manual is intended to fulfil the following objectives:

- 2.1.1. To promote transparency, accountability and effective governance of the PSETA, by empowering and educating members of the public to understand their rights in relation to access to information held by the PSETA.
- 2.1.2. To enable PSETA to comply with the provisions of the PAIA Act, by amongst others giving the public the right to approach PSETA to request information held by PSETA, which information is required in the exercise and/or protection of any rights.
- 2.1.3. To set out any information which PSETA cannot disclose, as per the provisions of sections 33 to 46 of the PAIA Act which expressly state that the records containing such information may or must not be disclosed, based on the listed grounds of refusal.
- 2.1.4. To assist the public to have an understanding of how to make a request for access to a record of the PSETA and to set out all the relevant contact details of the persons who will assist the public with the records they intend to access.
- 2.1.5. To assist the public to know all the remedies available from the PSETA regarding any request for access to the records.

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3. ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Description
AA	PSETA Accounting Authority
AC	PSETA Audit Committee
CEO	PSETA Chief Executive Officer
CSE	PSETA Corporate Services Executive
DHET	Department of Higher Education and Training
DOA	Delegation of authority
MHESI	Minister of Higher Education Science and Innovation
PAIA	Promotion of Access to Information Act No 2 of 2000
PAJA	Promotion of Administrative Justice Act No 3 of 2000
POPI	Protection of Personal Information Act No 4 of 2013
PSETA	Public Service Sector Education and Training Authority

4. DEFINITIONS

In this PAIA Manual, any word or expression to which a meaning has been assigned in the PAIA Act, shall bear the meaning so assigned and unless the context otherwise indicates: -


Term	Description
Accounting Authority	means PSETA's Accounting Authority as set out in Sections 49-57 of the Public Finance Management Act (Act 1 of 1999);
Access fee	means a fee prescribed for the purposes of section 22(6) or 54(6), as the case may be;

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Term	Description
Consent	means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
Constitution	means the Constitution of the Republic of South Africa, 1996
Data subject	means the person to whom personal information relates;
Deputy Information Officer	means the designated individual in the PSETA who is responsible for assisting with any PAIA request for access to information.
Electronic Communication	means any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient;
Information Officer	means the Chief Executive Officer of PSETA.
PAIA Act	means the means the Promotion of Access to Information Act (Act No. 2 of 2000) and includes any regulations made and in force in terms of section 92 of the PAIA Act;
Person	means a natural person or a juristic person.
Personal Information	means any information that can be used to reveal a person's identity. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including, but not limited to information concerning: (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person

Term	Description
	<p>(b) information relating to the education or the medical, financial, criminal or employment history of the person;</p> <p>(c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;</p> <p>(d) the biometric information of the person;</p> <p>(e) the personal opinions, views or preferences of the person;</p> <p>(f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</p> <p>(g) the views or opinions of another individual about the person; and</p> <p>(h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.</p>
<p>Processing</p>	<p>means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including —</p> <p>(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;</p> <p>(b) dissemination by means of transmission, distribution or making available in any other form; or</p> <p>(c) merging, linking, as well as restriction, degradation, erasure, or destruction of information.</p>

Term	Description
PSETA	means the Public Services Sector Education and Training Authority, as established in terms of section 9(1) of the Skills Development Act 97 of 1998.
Public body	<p>Public Body means—</p> <p>(a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or</p> <p>(b) any other functionary or institution when—</p> <p>(i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or</p> <p>(ii) exercising a public power or performing a public function in terms of any legislation;</p> <p>For purposes of this PAIA Manual, means the PSETA.</p>
Public record	means a record that is accessible in the public domain, and which is in the possession of or under the control of a public body, whether or not it was created by that public body;
Record	<p>means any recorded information—</p> <p>(a) regardless of form or medium, including any of the following:</p> <p>(i) Writing on any material;</p> <p>(ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;</p>

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	<p>(iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;</p> <p>(iv) book, map, plan, graph or drawing;</p> <p>(v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;</p> <p>(b) in the possession or under the control of a responsible party;</p> <p>(c) whether or not it was created by a responsible party; and</p> <p>regardless of when it came into existence.</p>
Regulator	means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act.
Request	means a request for access to a record of PSETA in terms of section 11.
Requester	means any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of “Public Body” in terms of the PAIA Act, or an official thereof) making a request for access to a record of PSETA and includes any person acting on behalf of that person or requester.
Third Party	<p>in relation to a request for access to—</p> <p>(a) a record of a public body, means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than—</p> <p>(i) the requester concerned; and</p>

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Term	Description
	<p>(ii) a public body; or</p> <p>(b) a record of a private body, means any person (including, but not limited to, a public body) other than the requester, but, for the purposes of sections 34 and 63, the reference to “person” in paragraphs (a) and (b) must be construed as a reference to “natural person” ;</p>

5. SCOPE OF APPLICATION

- 5.1. This PAIA Manual applies to all requests for the right of access to any information held by PSETA, from external and internal stakeholders, and such information is required for the exercise or protection of any rights.
- 5.2. Any such requests for the right of access to any information within PSETA shall be handled in accordance with the provisions of the PAIA Act, by the PSETA Deputy Information Officer.
- 5.3. This PAIA Manual has been prepared in accordance with the provisions of the PAIA Act and insofar as there is a conflict in the interpretation of or application of this PAIA Manual and the Act, then the Act shall prevail;
- 5.4. Where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a working day, the last day shall be deemed to be the next succeeding day which is a working day;


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6. LEGISLATIVE AND REGULATORY PRESCRIPTS

- 6.1 Constitution of the Republic of South Africa, 1996;
- 6.2 Promotion of Access to Information Act No. 2 of 2000;
- 6.3 Promotion of Administrative Justice Act No. 1 of 2000;
- 6.4 Protection of Personal Information Act No. 4 of 2013; and
- 6.5 Regulations relating to the Protection of Personal Information, R1383 of 2018.

7. ABOUT THE PSETA

- 7.1 The Public Service Sector Education and Training Authority (PSETA) is established in terms of section 9(1) and (2) of the Skills Development Act 97 of 1998. The Skills Development Act is our enabling legislation and guides PSETA's operations as a sector education and training authority (SETA), as set out in section 10 of the Act. PSETA is classified as a national public entity, under schedule 3A of the Public Finance Management Act 1 of 1999 ("PFMA").
- 7.2 PSETA's overarching strategic imperative is building the skills required for a developmental, capable and ethical state. The scope of coverage includes national and provincial government departments, identified public entities, national parliament and provincial legislatures.
- 7.3 The focus and emphasis of the PSETA is primarily on transversal skills, these being, functions of administration, management, planning legislation, policy administration, monitoring and evaluation and others.

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8. PSETA'S VISION, MISSION AND VALUES

Our vision

8.1. To be the heart of developing a skilled, capable and innovative public sector workforce.

Our Mission:


8.2. To facilitate the delivery of a capable, ethical and developmental public service sector workforce through:

- (a) researching skills demand and supply in the sector;
- (b) Ensuring the effective delivery of skills development interventions based on occupationally directed qualifications;
- (c) Monitoring, evaluation and reporting of the implementation of education, training and skills development in the sector; and
- (d) Building a capable institution

Our Values:

- (a) Honesty and Integrity;
- (b) Accountability;
- (c) Service Excellence;
- (d) Fairness and transparency

8.3. As part of measuring its organisational performance and targets, PSETA has four programmes. Each programme has its strategic objective, performance indicators and targets. The four programmes are as follows:

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8.3.1. Programme 1: Administration

- (a) Programme purpose - To provide the support services and governance needed by PSETA to fulfil its core mandate.
- (b) This programme is comprised of three sub-programmes:
 - i. Governance;
 - ii. Finance and Supply Chain Management; and
 - iii. Corporate Services.
- (c) The purpose of this Programme is to ensure that the organisation has effective and efficient governance structures that lead; monitor and evaluate organisational performance; ensure prudent financial management, procurement of goods and services and reporting in compliance with relevant acts and regulations.

8.3.2. Programme 2: Skills Planning and Research

- (a) Programme purpose - to conduct and coordinate research to inform the strategic skills development priorities for the sector.
- (b) This Programme is made up of two organisational business units:
 - i. Skills Planning; and
 - ii. Research.
- (c) The development and annual update of the sector skills plan (SSP), research studies, coordinating research activities and conferences, and capacity building of stakeholders in skills planning are core outputs within this programme.

8.3.3. Programme 3: Learning Programmes and Projects

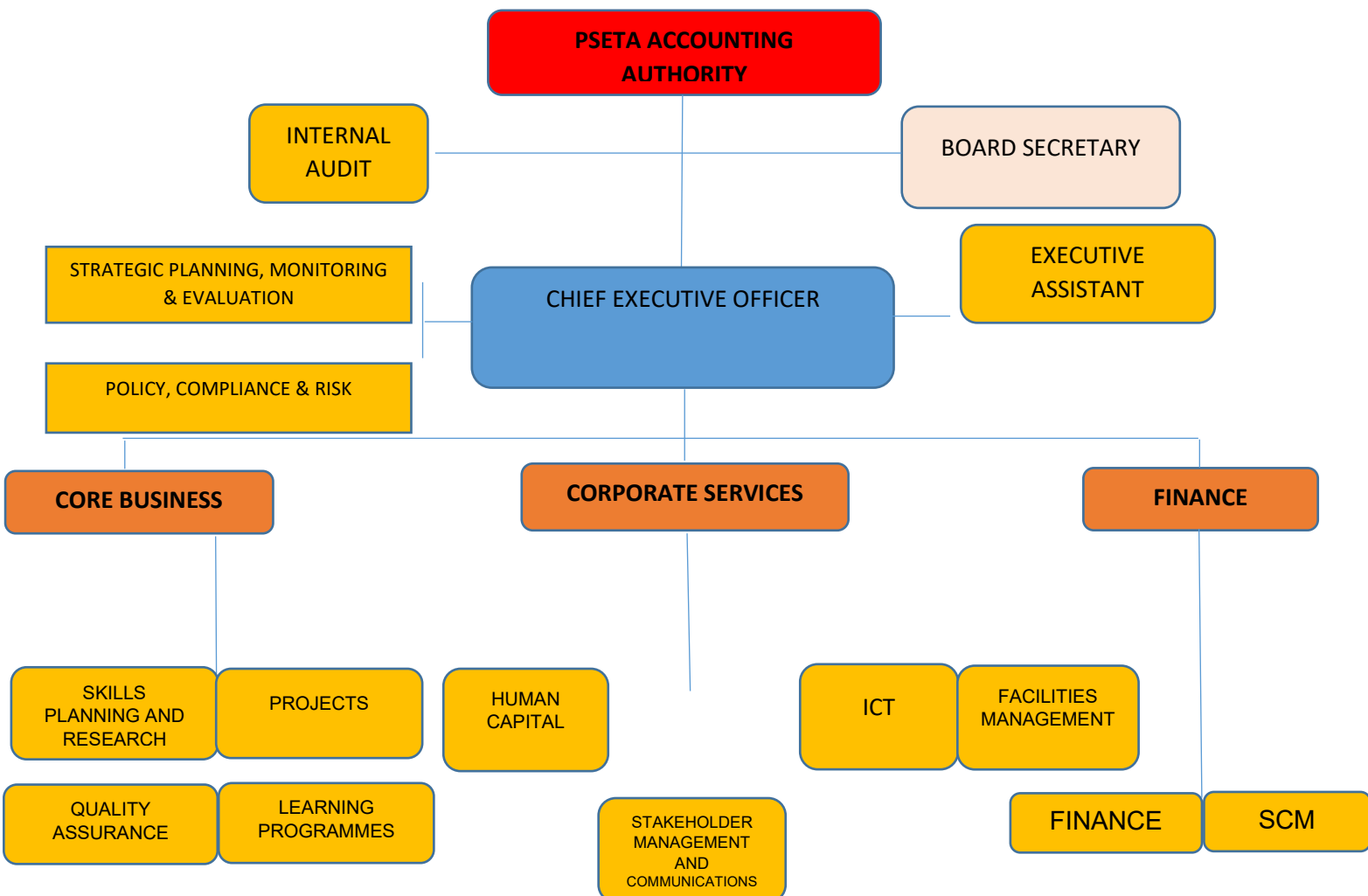
- (a) Programme purpose - to facilitate and manage the implementation of learning programmes for and within the public service sector.
- (b) This programme includes special projects (including partnerships) and the monitoring, evaluation and reporting of learning interventions.


8.3.4. Programme 4: Quality Assurance

- (a) Programme purpose – to build the provider capacity required to deliver priority skills for the sector, developing standards, accrediting providers and conducting quality assurance on learning.
- (b) The PSETA Quality Assurance Department undertakes the review of legacy qualifications and development of new occupational qualifications and capacitation of providers through advocacy workshops.

9. PSETA ORGANISATIONAL STRUCTURE

The high-level organizational structure of the PSETA, as it currently exists, is set out below:



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10. CONTACT DETAILS OF THE PSETA INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

10.1. PSETA Information Officer:

Information officer	Ms Bontle Lerumo (PSETA CEO)
Telephone	+27 12 423 5713
Email	BontleL@pseta.org.za
Address	Chief Executive Officer: Woodpecker Building 177 Dyer Street Hillcrest, Pretoria

10.2. PSETA Deputy Information Officer:

Deputy Information officer	Mr. Mogau Tladi
Telephone	+27 12 423 5714
Email	Mogaut@pseta.org.za
Address	Woodpecker Building 177 Dyer Street Hillcrest, Pretoria

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10.3. All requests for access to records of PSETA, and any internal appeal in terms of his/her capacity as the PSETA Information Officer, via any one of the following methods:

Delivery by hand to:

PSETA Offices: Hillcrest Office Park
 Woodpecker Building
 177 Dyer Road
 Hillcrest, Pretoria

By email to:

BontleL@pseta.org.za
 CC: mogaut@pseta.org.za

Postal address:


P O Box 11303
 Hatfield, Pretoria
 0028

11. GUIDANCE

11.1. As of 01 July 2021, the Office of the Information Regulator has assumed the functions of the South African Human Rights Commission (“SAHRC”) in terms of s114(4) of the POPI Act and will be responsible for PAIA Act and POPI Act enforcement and queries.

11.2. As part of its functions, the Information Regulator will publish a guide on how to use the PAIA Act and the POPI Act. The purpose of the aforesaid Guide is to provide information that is needed by any person who wishes to exercise any right contemplated in the PAIA Act and the POPI Act.


11.3. The Guide will specifically assist a person, also called a data subject, on the following, amongst others:

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- 11.3.1 how to access his/her or its personal information in terms of section 23 of the POPI Act.
- 11.3.2 the assistance available from the Information Regulator in terms of the PAIA Act and the POPI Act;
- 11.3.3 all remedies available in law regarding an act or failure to act in respect of a right or duty conferred or imposed by the PAIA Act and the POPI Act, including the manner of lodging:
 - (a) an internal appeal;
 - (b) a complaint to the Information Regulator; and
 - (c) an application to a court against a decision by the Information Officer or Deputy Information Officer of a public body, a decision on internal appeal or a decision by the Information Regulator or a decision of the head of a private body.

11.4 Any information or queries related to the guide, or to PAIA Act or POPI Act should be directed to the Information Regulator on the following particulars –


Information Regulator	Physical Address: JD House 27 Stiemens Street Braamfontein Johannesburg, 2001	Postal Address: PO Box 31533 Braamfontein Johannesburg 2017
Email	infoereg@justice.gov.za	

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12. RECORDS IN POSSESSION OF PSETA

- 12.1. Records held by the PSETA are generated through each of its divisions. Each division of the PSETA generates substantive records which relate specifically to the outputs of the division and operational records in the course of organisational operations.
- 12.2. Certain records of the PSETA are acquired in the course of work of the PSETA and in certain instances records are received from public and private bodies in accordance with the PAIA Act and the POPI Act.
- 12.3. The PSETA reserves the right to transfer requests for records to relevant bodies where these bodies were the primary holders or generators of the information requested, or where the PSETA no longer has possession of such record.
- 12.4. The PSETA also reserves the right to create new categories of records where this is necessary. This PAIA Manual will be updated to reflect changes in categories of records accordingly.
- 12.5. The following records of PSETA will be available for inspection, or copying or accessible from the PSETA website as records that are accessible to the public, as per s15(1) of the PAIA Act:

- 1) PSETA Five-year Strategic Plan;
- 2) PSETA Annual Performance Plan;
- 3) PSETA PAIA Manual;
- 4) PSETA Sector Skills Plan;
- 5) PSETA Annual Reports;
- 6) PSETA Stakeholder Management and Communications media statements;

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- 7) Research Reports;
- 8) Newsletters;
- 9) Brochures;
- 10) Posters;
- 11) Public notices;
- 12) Guidance notes, advice and public communications;
- 13) General information pertaining to the PSETA such as organisational structure, contact information of the PSETA;
- 14) Legislation, Acts, Regulations, discussion papers and announcement notices.
- 15) Any document that has been uploaded to the PSETA website and is therefore accessible to the public.

12.6. The categories of information listed below contains information which the PSETA holds records and categories of under each subject. These records are not automatically available without a request in terms of the PAIA Act and/or this PAIA Manual.


12.7. The records listed in the categories below may be formally requested, but access to parts of these records or the whole record may be refused on the grounds listed in sections 33 to 46 and sections 62 to 70 of the PAIA Act and any other grounds of refusal as set out in PAIA Act.

12.8. The PSETA further reserves the right to refuse access to records where the processing of the record will result in a substantial and unreasonable diversion of its resources. Access will also be refused where requests are clearly frivolous and or vexatious.


1.	Human Capital	1) Employment Contracts and extension letters or addenda to employment contracts;
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	Department	<ol style="list-style-type: none"> 2) Human Capital Department policies and/or standard operating procedures; 3) Job advertisements for posts that were advertised and closing date for applications has lapsed; 4) Records of shortlisting and job recruitment processes; 5) Applications for employment to posts; 6) Records of the interview processes; 7) Records of Grievance processes; 8) Confidential employee information, including but not limited to, medical information, financial information or any other personal information of PSETA employees; 9) Records of disciplinary and consequence management processes. 10) Employment Equity Plan and reports pertaining to employment equity within PSETA; 11) Records pertaining to learning and development such as training plans or staff bursaries awarded to PSETA employees; 12) Internal confidential communications issued by recognised trade union(s) to PSETA Management; 13) Internal confidential communications issued by PSETA Management to recognised trade union(s) 14) Any other human capital document pertaining to PSETA employees.
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2.	Policy Development	<ol style="list-style-type: none"> 1) Financial and Management Accounting Policies; 2) Marketing and Communication Policies; 3) Supply Chain Management Policies; 4) ICT Plans, Policies and Procedures; 5) Human Capital Management Policies; 6) Risk Management Policies; 7) Core business Policies; 8) Any other internal Policies; and 9) PSETA Manuals and Standard Operating Procedures.
3.	Governance	<ol style="list-style-type: none"> 1) PSETA Constitution; 2) PSETA Delegations of Authority; 3) Resolutions of the PSETA Accounting Authority; 4) Documents issued by the PSETA Accounting Authority; 5) PSETA Accounting Authority Committee Charters; 6) Any other documents, pertaining to the PSETA Accounting Authority and its Committees; 7) Documents issued by the office of the PSETA Chief Executive officer; 8) Documents issued by or pertaining to the PSETA Management Committee;

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		<p>9) Documents issued by or pertaining to the PSETA Executive Management Team;</p> <p>10) Internal confidential communication issued by the PSETA Accounting Authority;</p> <p>11) Internal confidential communication issued by the PSETA Executive Management.</p>
4.	Core Business Departments	<p>1) Applications for Discretionary Grants by Applicants;</p> <p>2) Records of evaluation and adjudication committees for the appointment of successful discretionary grants</p> <p>3) Records for all Quality Assurance processes, including but not limited to accreditation of skills development providers;</p> <p>4) Records for all Skills Planning and Research processes, including but not limited to Workplace Skills Plans, Annual Training Reports and Research Reports;</p> <p>5) Records for all Learning Programmes processes;</p> <p>6) Records for all Project Management processes, including Discretionary Grant contracts.</p>
5.	Supply Chain Management Department	<p>1) Request for proposals for various goods or services;</p> <p>2) Request for quotations for various goods or services;</p> <p>3) Records of bid evaluation minutes;</p> <p>4) Records of bid adjudication minutes;</p> <p>5) Appointment letters of successful bidders for</p>

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		<p>various goods and services;</p> <p>6) Service Level Agreements entered into with service providers for various goods and services.</p>
6.	Internal Audit Department	<p>1) Reports issued by the PSETA Internal Audit Department;</p> <p>2) Audit Charter of the PSETA Internal Audit Department;</p> <p>3) Audit plans of the PSETA Internal Audit Department;</p> <p>4) Reports from the office of the Auditor-General;</p> <p>5) Compliance reports within PSETA.</p>
7.	Investigation reports	<p>1) Forensic reports provided by service providers on behalf of PSETA;</p> <p>2) Investigation reports by other organs of state pertaining to PSETA;</p> <p>3) Any privileged or confidential information or documentation pertaining to investigation reports within PSETA</p>
8.	Finance Department	<p>1) Financial records within PSETA Finance Department;</p> <p>2) Invoices and proof of payments;</p> <p>3) Asset management reports and asset disclosures;</p> <p>4) Reports from Auditor-General of The National</p>

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		Treasury pertaining to PSETA; 5) Any other financial records or documentation within the PSETA Finance Department.
9.	Legal Services Unit	1) Records relating to litigation, including but not limited to summonses, pleadings and any other court or arbitration papers; 2) Legal opinions and Interpretations of various legal matters; 3) Internal contracts within PSETA, including lease agreements, service level agreements for goods and services with service providers; 4) Security related information; 5) Privileged information held in the course of investigations, conciliation, arbitrations, closed hearings. 6) Attorney-client information. National security-based information or third-party information. 7) Documents received from South African Police Services, including but not limited search warrants, police dockets or subpoenas

13. PROCEDURE FOR REQUESTING ACCESS TO RECORDS IN POSSESSION OF PSETA

13.1. All requests for access to information should be submitted to the PSETA Information Officer and PSETA Deputy Information Officer on the prescribed form by a requester. The form to be used by a requester is attached to this PAIA Manual as **Annexure “A”**. The particulars of the Information Officer and Deputy Information Officer are set out in paragraphs 10.2 and 10.3 above.

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13.2. A requester is any person making a request for access to a record of the PSETA and in this regard, the PAIA Act distinguishes between two types of requesters for access to information, these are a personal requester, (data subject) and other requester.


13.3. A data subject is a requester who, having provided adequate proof of identity, is seeking access to a record containing personal information about the data subject. Subject to the provisions of the PAIA Act and the POPI Act, the PSETA will provide the requested information, or give access to any record with regard to the data subject’s personal information within a reasonable time, (at a prescribed fee, if any) in a reasonable manner and format and in a form that is generally understandable. The prescribed fee for reproduction of the personal information requested will be charged by the PSETA.

13.4. A person falling in the category of other requester is entitled to request access to information pertaining to third parties. However, the PSETA is not obliged to grant access prior to the requester fulfilling the requirements for access to information in terms of the PAIA Act and the POPI Act.

13.5. The requester must provide sufficient information of the record(s) requested in order for the Information Officer or Deputy Information Officer, if any, to identify the record(s). The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:

- 13.5.1 the identity of the requester;
- 13.5.2 particulars of record requested;
- 13.5.3 type of record;
- 13.5.4 form of access; and
- 13.5.5 manner of access.

13.6. Some additional important points to remember when completing the request:

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13.6.1. The requester should follow the instructions on the form in order to improve the likelihood of the request being granted with minimal delay being experienced.

13.6.2. provide PSETA with enough detail on the request form to enable PSETA to identify the requester and the record required from PSETA;

13.6.3. The requester should indicate in what form you he/she would like to access the records, such as hardcopy printouts or electronic format or whether the requester wishes to visit the offices of the PSETA in order to view or inspect the record;


13.6.4. The requester must indicate, as per section 29(2) of the PAIA Act, the form of access that is required and whether the requested record(s) is preferred in any particular language.

13.6.5. The requester should indicate the manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.

13.6.6. The requester to list the right that he/she want to exercise or protect and provide PSETA with an explanation of why the requested record is required for the exercise or protection of that right; and


13.6.7. If the requester is making a request on behalf of another person, then the requester must submit proof of the capacity in which he/she is making the request, which must be to the reasonable satisfaction of the PSETA Information Officer.

13.7. The requester will receive the information in such manner as indicated. Section 29(3) of the PAIA Act indicates that making available the information


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will depend on whether the request will not interfere unreasonably with the effective administration of the PSETA, be detrimental to the preservation of the record(s) or infringe any copyright not owned by the State.

- 13.8. An oral request for access to a record(s) may be made if the requester does not have a formal education or has a disability. The Information Officer or Deputy Information Officer will assist the requester to complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.
- 13.9. The requester will be notified of the prescribed fee payable, if any, the method of payment and the office to which he/she can make such payment or submit proof of payment before a request for information is processed further.
- 13.10. The request for information will, in terms of Section 25 of the PAIA Act, be processed by the Information Officer within 30 days after receipt of the request or as soon as is reasonably possible, whereafter the Information Officer will inform the requester of his/her decision, either to grant or reject the request for access to records. The decision must, if it is reasonably possible, be communicated in the manner requested by the requester.
- 13.11. Section 26 of the PAIA Act prescribes the instances where the period of thirty (30) days referenced in Section 25 of the PAIA Act, may be extended once for a further 30 days. The period of 30 days may be extended once for a further period of not more than 30 days, if –
- 13.11.1 the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the PSETA;

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- 13.11.2 the request requires a search for records in, or collection thereof from, an office not situated in the same town or city as the office of the PSETA Information Officer and cannot reasonably be completed within the original period;
 - 13.11.3 consultation among divisions of the PSETA or with another public body is necessary or desirable to decide upon the request and such decision-making process cannot reasonably be completed within the original period;
 - 13.11.4 more than one of the circumstances contemplated in paragraphs 13.11.1, 13.11.2 and 13.11.3 exist in respect of the request making compliance with the original period not reasonably possible; or
 - 13.11.5 the requester consents in writing to such extension.
- 13.12. If the period has been extended, the information officer must as soon as possible and within 30 days of first receiving the request inform the requester of that extension.
- 13.13. If a request for access to a record has been refused, delayed or granted subject to unreasonable fees or is granted in an unacceptable form, the requester may lodge an internal appeal as per Section 74 of the PAIA Act.
- 13.14. According to Section 78 of the PAIA Act, a requester or third party referred to in Section 74, may only apply to a Court for appropriate relief in terms of Section 82 of the Act, after having exhausted the internal appeal procedure against a decision of the Information Officer.

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13.15. However, appeal processes are not compulsory and the requester or third party may, at any time, within the prescribed period of 180 days, approach the court for appropriate relief.

14. PAYMENT OF FEES

14.1. The PAIA Act provides for two types of fees, namely:


14.1.1. a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and

14.1.2. an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

14.2. Upon receipt of a formal request being made, the PSETA Information Officer or Deputy Information Officer, shall by notice, require the requester, excluding personal requester, to pay the prescribed request fee (if any) before further processing of the request. The Fees payable shall be as set out in the PAIA Act Regulations, as and when amended.

14.3. In terms of the POPI Act, a data subject has the right to request PSETA to confirm, free of charge, whether or it holds personal information about the data subject and request from PSETA the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

14.4. The POPI Act further provides that where the data subject is required to pay a fee for services provided to them, PSETA must provide the data subject

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with a written estimate of the payable amount before providing the service and may require that the requester pay a deposit for all or part of the fee.

15. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

15.1. In terms of sections 33 -46 and sections 62-69 of the PAIA Act, request for access granted to a record or information, may be refused on one or more of the following grounds:


15.1.1. if the access to information would involve the unreasonable disclosure of personal information about a third party, including a deceased individual, unless if such information is already publicly available;

15.1.2. if the disclosure of such information would prejudice the financial, commercial, scientific or technical information, or the trade secrets, of a third party, or if the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party;


15.1.3. if the record contains information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations or to prejudice that third party in commercial competition;

15.1.4. if the disclosure of the information would constitute a breach of a duty of confidence owed to a third party in terms of an agreement;

15.1.5. if the disclosure of the information could reasonably be expected to endanger the life or physical safety of an individual, or the security of a building, structure or system, such as but not limited to, computer or communication systems;

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- 15.1.6. if the record or information is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege; or
- 15.1.7. if the record contains information about research being or to be carried out by or on behalf of a third party, or that the disclosure of which would be likely to expose the third party conducting the research or the subject matter of the research.
- 15.1.8. request for access for access must refused based on any of the grounds contained in the PAIA Act, that are not listed in 15.1.1 - 15.1.7 above.
- 15.2. As set out in the PAIA Act, a request for access to information to PSETA must be granted if the disclosure of the information or record would reveal evidence of the following:
 - 15.2.1. A substantial contravention of, or failure to comply with, the law; or
 - 15.2.2. An imminent and serious public safety or environment risk; and
 - 15.2.3. where the public interest in the disclosure of the information or record clearly outweighs the harm contemplated in terms of section 70 of the PAIA Act.
 - 15.2.4. On any other reason based on the grounds set out in in the

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16. RIGHT OF APPEAL AND REMEDIES FOR REFUSAL


- 16.1. If a request for access to a record of PSETA has been refused for whatever reason, the requester may submit an appeal to the relevant authority, which is the Information Regulator of South Africa, as set out in section 74 of the PAIA Act.
- 16.2. Any appeal to the Information Regulator should also be submitted to the attention of the PSETA Information Officer and Deputy Information Officer, on the particulars set out in paragraph 10.3 above.
- 16.3. The appeal against a decision by PSETA for refusal of access to information, must be lodged within 60 days of notification of refusal.

17. AVAILABILITY OF THE MANUAL

- 17.1. This PSETA PAIA Manual is available in electronic and hard copies in English.
- 17.2. The hard copies are available at the head office of the PSETA as set out in paragraph 10.3. The electronic version of this PSETA PAIA manual will be made available on the PSETA website.

18. DISPOSAL OF RECORDS

- 18.1. The PSETA reserves the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service.
- 18.2. Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

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18.3. In accordance with section 24(1) of the POPI Act, the PSETA may, upon receipt of the request from a data subject –

18.3.1 correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

18.3.2 destroy or delete a record of personal information about the data subject that the PSETA is no longer authorised to retain in terms of section 14 of the POPI Act.


19. NON-COMPLIANCE

19.1. Non-compliance with this PAIA Manual or any applicable regulatory requirements, will be considered serious and be dealt with in terms of PSETA’s disciplinary policies and procedures.

19.2. Non-compliance with this PAIA Manual or any applicable regulatory requirements through any deliberate or negligent act or omission by external stakeholders of PSETA, will be considered serious and be dealt with as per the applicable prescripts of the PAIA Act, the POPI Act and/or directives/notices of the Office of the Information Regulator.

20. PAIA MANUAL IMPLEMENTATION AND EFFECTIVE DATE

20.1. This PAIA Manual comes into effect on the date of signature, as per the provision of the PSETA Policy Development Framework and the relevant owner shall ensure that it is communicated to staff using various modes, not limited to email, intranet, workshops etc.

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20.2. However, such communication or delays thereof, shall not have any bearing on the effective date for implementation.

21. MONITORING, REVIEWING AND UPDATING OF THE PAIA MANUAL

This PAIA Manual shall be reviewed no sooner than 12 months and no later than 24 months after the approval date or will be reviewed as and when required by the PAIA Act or any other applicable legislation. The outcome of such process may either require the author to maintain the status quo or update/amend it.

22. APPROVAL OF THE PAIA MANUAL

This PAIA Manual shall be approved by the PSETA CEO and signed by the PSETA CEO.

ANNEXURE A

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of PAIA)


[Regulation 10]

A. Particulars of private body

The Head: _____

Company Name: _____

Company Registration Number: _____

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B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:


Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made.

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:


Identity number:

Postal address:

Fax Number:

Telephone number:

Email address:

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D. Particulars of record

- (a) 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.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**


1. Description of record or relevant part of the record:

Reference number, if available:

2. Any further particulars of record:

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.

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- (b) You will be notified of the amount required to be paid as the request fee.
- (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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:


F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

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(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

(Please indicate which form of access is required by ticking next to the required, below:

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of virtual images-

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy the images*	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack. (Audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (Written or printed document)
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4. If record is held on computer or in an electronic or machine readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (memory stick or compact disc)
--------------------------	-------------------------	--------------------------	--	--------------------------	--

5. If you requested a copy of transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable

YES _____ NO _____

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.

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In which language would you prefer the record?

G Notice of decision regarding request for access

You will be notified in writing whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20 _____

 SIGNATURE OF REQUESTER / PERSON
 ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B


NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to information Act, 2000 (Act 2 of 2000))
 [Regulation 8]

**STATE YOUR REFERENCE
 NUMBER: _____**

A. Particulars of the public body

The Information Officer/Deputy Information Officer:

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B. Particulars of requester/third party who lodges the internal appeal

- (a) The particulars of the person who lodges the internal appeal must be given below.
- (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- (c) If the appellant is a third party and not the person who originally requested the information, the particulars of the requester must be given in paragraph C below.

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____


Capacity in which an internal appeal on behalf of another person is lodged: _____

C. Particulars of requester

This section must be completed ONLY if a third party other than the requester) lodges the internal appeal.

Full names and surname: _____

Identity number: _____

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D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:	
Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	


E. Grounds for appeal

If the provided space is inadequate, please continue on a separate page and attach it to this form. You must sign all the additional pages.

State the grounds on which the internal appeal is based: _____

State any other information that may be relevant in considering the appeal:

F. Notice of decision on appeal

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You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: _____

Particulars of manner: _____

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF APPELLANT

FOR OFFICIAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL:


Appeal received on _____ 20__ by _____

(state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on

_____ (date) to the relevant authority.

OUTCOME OF APPEAL:

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DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW
 DECISION SUBSTITUTED

NEW DECISION: _____

 DATE

 RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE
 RELEVANT AUTHORITY ON (date):
