

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))

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NAME AND DESIGNATION OF THE LINE EXECUTIVE MANAGER	ADV. SIPHOKAZI MOLESHE CORPORATE SERVICES EXECUTIVE
SIGNATURE OF THE LINE EXECUTIVE MANAGER AND DATE	
NAME AND DESIGNATION OF THE RECOMMENDING OFFICIAL	BONTLE LERUMO CHIEF EXECUTIVE OFFICER
SIGNATURE OF THE RECOMMENDING OFFICIAL AND DATE	
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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 aim of the PAIA Act is to foster a culture of transparency and accountability by public and private bodies and assist in realising South Africa’s goals of an open and participatory democracy. The PAIA Act also gives effect to the right of access to information and actively promotes a society in which any person has effective access to information. This will enable any person to fully exercise their rights.
- 1.3. 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.
- 1.4. 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.

- 1.5. 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 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. The purpose and objective of the PSETA PAIA Manual is:

- 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.

2.1.6. To assist the public in understanding if the PSETA will process personal information, the purpose of processing of personal information, the description of the categories of data subjects and of the information or categories of information relating thereto;

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
DIO	Deputy Information Officer
DOA	Delegation of authority
IO	Information Officer
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;
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, or any other designated Executive employee of the 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,

Term	Description
	age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person (b) information relating to the education or the medical, financial, criminal or employment history of the person; (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; (d) the biometric information of the person; (e) the personal opinions, views or preferences of the person; (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; (g) the views or opinions of another individual about the person; and (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.
Processing	means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including — (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (b) dissemination by means of transmission, distribution or making available in any other form; or (c) merging, linking, as well as restriction, degradation, erasure, or destruction of information.
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.

Term	Description
Public body	Public Body means— (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 (b) any other functionary or institution when— (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or (ii) exercising a public power or performing a public function in terms of any legislation; For purposes of this PAIA Manual, means the PSETA.
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	means any recorded information— (a) regardless of form or medium, including any of the following: (i) Writing on any material; (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; (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; (iv) book, map, plan, graph or drawing; (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;

Term	Description
	(b) in the possession or under the control of a responsible party; (c) whether or not it was created by a responsible party; and regardless of when it came into existence.
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	in relation to a request for access to— (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— (i) the requester concerned; and (ii) a public body; or (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” ;

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 managed 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 as far 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;

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. ESTABLISHMENT OF 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 its 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 PSETA's mandate is to respond to skills demand and supply in the South African Public Service Sector. PSETA responds to the transversal skills needs within the South African Public Service Sector. Transversal skills are understood as the "business of government," encompassing administration, management, planning, legislation, and policy development. Transversal skills are therefore cross-cutting in nature and occur across all the Public Service Sector.

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:

8.3.1. Programme 1: Administration

- (a) Programme – To provide the support services and governance needed by the 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 programme purpose is to ensure that the organisation has effective and efficient governance structures that lead; monitor and evaluate organisational performance; ensure prudent financial management and procurement of goods and services that are compliant with legislation; apply cost containment measures to improve budget efficiencies; and report on compliance with relevant acts and regulations.

8.3.2. Programme 2: Skills Planning and Research

- (a) Programme – 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 programme purpose includes 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.

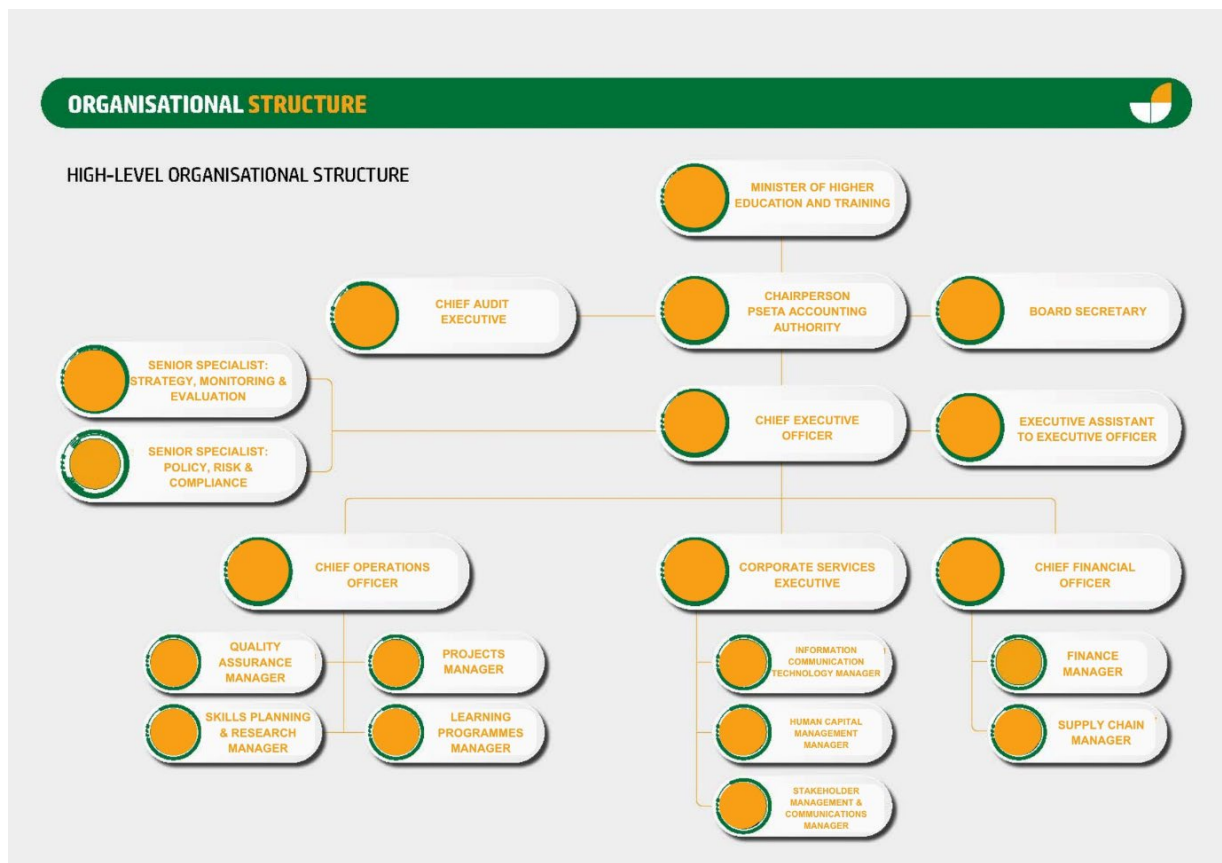
8.3.3. Programme 3: Learning Programmes and Projects:

- (a) Programme - the purpose of this programme is to set standards and establish a discipline to manage a collection of Discretionary Grant funded learning interventions identified in the PSETA Sector Skills Plan (“SSP”) in an objective manner and in line with the PSETA’s strategy and 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 – The purpose of this programme is to build the provider capacity required to deliver the priority skills for the sector, developing standards, accrediting providers and quality assuring learning.
- (b) The Quality Assurance (“QA”) department undertakes the review of legacy qualifications and development of new occupational qualifications, and the capacitation of providers through advocacy workshops.

9. ORGANISATIONAL STRUCTURE OF THE PSETA (HIGH-LEVEL)



10. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE PSETA

10.1. PSETA Information Officer:

Information officer	Ms Bontle Lerumo (PSETA CEO)
Telephone	+27 12 423 5700
Email	BontleL@pseta.org.za

Address	Chief Executive Officer: Hillcrest Office Park, Woodpecker Building 177 Dyer Street Hillcrest, Pretoria
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10.2. PSETA Deputy Information Officer:

Deputy Information officer	Mr. Mogau Tladi
Telephone	+27 12 423 5700
Email	Mogaut@pseta.org.za
Address	Hillcrest Office Park, Woodpecker Building 177 Dyer Street Hillcrest, Pretoria

10.3. All requests for access to records of PSETA, and any internal appeal made in terms of the PAIA Act can be made to the PSETA Information Officer, via any one of the following methods:

Delivery by hand to:

PSETA Offices

Hillcrest Office Park, Woodpecker Building
177 Dyer Street

Hillcrest, Pretoria

By email to:

BontleL@pseta.org.za

CC: Mogaut@pseta.org.za

Postal Address:

PO Box 11303

Hatfield, Pretoria

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11. GUIDANCE ON HOW TO USE PAIA AND CONTACT THE INFORMATION REGULATOR

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:

11.3.1. How to access his/her or its personal information in terms of section 23 of the POPI Act.

11.3.2. How to obtain 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. The provisions of section 14 and section 51 of the PAIA Act requiring a public body and private body, respectively, to compile a Manual, and how to obtain access to a manual, and the provisions of section 15 and section 521 of the PAIA Act providing for the voluntary disclosure of categories of records by a public body and private body, respectively.

11.5. The notices issued in terms of sections 22 and 54 of the PAIA Act regarding fees to be paid in relation to requests for access, and the regulations made in terms of section 92 of the PAIA Act.

11.6. Members of the public can inspect or make copies, during normal working hours, of the Guide from the offices of the public and private bodies (in at least two of the official languages), including the office of the Regulator (in each of the official languages). 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: Woodmead North Office Park 54 Maxwell Drive Woodmead, Johannesburg
Email	helpdesk@infoeregulator.org.za

12. CATEGORIES OF RECORDS HELD BY THE 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 or from the PSETA offices, as records that are accessible to the public, as per s15(1) of the PAIA Act:

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| <ol style="list-style-type: none">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;7) Research Reports;8) Newsletters;9) Brochures;10) Posters; |
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- 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.
- 12.9. However, the Information Officer or Deputy Information Officer(s) of the PSETA may grant a request for access to a record of the PSETA, if-
- 12.9.1. the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law; and
 - 12.9.2. the public interest in the disclosure of the record clearly outweighs the harm contemplated in any of the grounds for refusal of access to records.

1.	Human Capital Department	1) Employment Contracts and extension letters or addenda to employment contracts; 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)
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		14) Any other human capital document pertaining to PSETA employees.
2.	Policy Development	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 Documents	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; 9) Documents issued by or pertaining to the PSETA Executive Management Team; 10) Internal confidential communication issued by the PSETA Accounting Authority; 11) Internal confidential communication issued by the PSETA Executive Management.
4.	PSETA Core Business Departments	1) Applications for Discretionary Grants by Applicants; 2) Records of evaluation and adjudication committees for the appointment of successful discretionary grants 3) Records for all Quality Assurance processes, including but not limited to accreditation of skills development providers; 4) Records for all Skills Planning and Research processes, including but not limited to Workplace Skills Plans, Annual Training Reports and Research Reports; 5) Records for all Learning Programmes processes; 6) Records for all Project Management processes, including Discretionary Grant contracts.

5.	Supply Chain Management Department	1) Request for proposals for various goods or services; 2) Request for quotations for various goods or services; 3) Records of bid evaluation minutes; 4) Records of bid adjudication minutes; 5) Appointment letters of successful bidders for various goods and services; 6) Service Level Agreements entered into with service providers for various goods and services.
6.	Internal Audit Department	1) Reports issued by the PSETA Internal Audit Department; 2) Audit Charter of the PSETA Internal Audit Department; 3) Audit plans of the PSETA Internal Audit Department; 4) Reports from the office of the Auditor-General; 5) Compliance reports within PSETA.
7.	Investigation reports	1) Forensic reports provided by service providers on behalf of PSETA; 2) Investigation reports by other organs of state pertaining to PSETA; 3) Any privileged or confidential information or documentation pertaining to investigation reports within PSETA

8.	Finance Department	1) Financial records within PSETA Finance Department; 2) Invoices and proof of payments; 3) Asset management reports and asset disclosures; 4) Reports from Auditor-General of The National 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 THE PSETA

- 13.1. Section 18 of the PAIA Act prescribes the procedure to be followed in making a request for access to information held by the PSETA. Section 23(1) of POPI Act also provides the procedure to access personal information. Manner of access to personal information in terms of section 23 of POPIA should be in accordance with section 18 of the PAIA Act.
- 13.2. 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.
- 13.3. 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.
- 13.4. 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.
- 13.5. 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.

- 13.6. 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:
- 13.6.1. the identity of the requester;
 - 13.6.2. particulars of record requested;
 - 13.6.3. type of record;
 - 13.6.4. form of access; and
 - 13.6.5. manner of access.
- 13.7. Some additional important points to remember when completing the request:
- 13.7.1. 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.
 - 13.7.2. The requester should provide PSETA with enough detail on the request form to enable PSETA to identify the requester and the record required from PSETA;
 - 13.7.3. 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;
 - 13.7.4. 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.
 - 13.7.5. 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.
 - 13.7.6. 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

- 13.7.7. 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.
- 13.8. The requester will receive the information in such manner as indicated. Section 29(3) of the PAIA Act indicates that making available the information 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.
- 13.9. 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.
- 13.10. 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.
- 13.11. 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.
- 13.12. 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 –

- 13.12.1. 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;
 - 13.12.2. 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;
 - 13.12.3. 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;
 - 13.12.4. more than one of the circumstances contemplated in paragraphs 13.12.1, 13.12.2 and 13.12.3 exist in respect of the request making compliance with the original period not reasonably possible; or
 - 13.12.5. the requester consents in writing to such extension.
- 13.13. 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.
- 13.14. 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.
- 13.15. 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.

14. PROCESSING OF PERSONAL INFORMATION

14.1. Purpose of processing of personal information of data subject by the PSETA

14.1.1. The PSETA processes personal information of data subjects under its care in the following ways:-

14.1.1.1. Fulfilling or executing its statutory obligations in terms of the Skills Development Act 97 of 1998, through-

- (a) Reporting skills development initiatives and interventions to its Executive Authority, the Department of Higher Education and Training;
- (b) Processing of personal information of bidders and applicants for Discretionary Grants;
- (c) Processing personal information of Learners, and beneficiaries of its various training interventions;
- (d) Processing completion certificates of learners from accredited skills development providers on its various training interventions;
- (e) Processing accreditation applications from skills development providers within PSETA's sector;
- (f) Processing of personal information contained in Workplace Skills Plans of employers that fall within the PSETA's sector.
- (g) Processing of personal information contained in Annual Training Reports of employers that fall within the PSETA's sector.

- 14.1.1.2. Processing personal information of job applicants for staff recruitment;
- 14.1.1.3. Processing personal information of employees, as part of staff administration for payroll; administering employee benefits and other human capital duties;
- 14.1.1.4. Processing of personal information when keeping accounts and records;
- 14.1.1.5. Processing personal information when undergoing procurement processes for bidders of goods and services;
- 14.1.1.6. Processing of personal information of visitors to the offices of the PSETA;
- 14.1.1.7. Processing personal information when complying with other relevant legislations, such as PFMA, Regulations under it and National Treasury Instruction Notes.

14.2. Categories of Data Subjects and their Personal Information

The PSETA may process personal information relating to Learners and beneficiaries on its various training interventions; bidders and applications for discretionary grants and procurement processes; service providers; staff and stakeholders.

Categories of Data Subjects	Personal Information that may be processed
1) Applicants for discretionary grants	Company information; Names of contact persons; name of entity; name of directors and shareholders, physical and postal address and

	contact details (contact number(s), fax number, email address); financial information; registration number; founding documents; tax related information; authorised signatories.
2) Learners and beneficiaries on various training interventions	Identity documents; physical and postal address and contact details (contact number(s), fax number, email address); academic qualifications
3) Skills Development Providers applying for accreditation within PSETA's sector	Company information; Names of contact persons; name of entity; name of directors and shareholders, physical and postal address and contact details (contact number(s), fax number, email address); financial information; registration number; founding documents; tax related information; authorised signatories.
4) Employees whose data is captured for ATR/WSP by employers within PSETA's sector	Identity documents; physical and postal address and contact details (contact number(s), fax number, email address); academic qualifications
5) Bidders applying for procurement processes for provision of goods/services to PSETA	Company information; Names of contact persons; name of entity; name of directors and shareholders, physical and postal address and contact details (contact number(s), fax number, email address); financial information; registration number; founding documents; tax related information; authorised signatories, broad-based black economic empowerment (B-BBEE) status, affiliates entities, business strategies.
6) Information of PSETA employees as part of staff administration and administering employee benefits; employment equity and other Human Capital duties	Gender, pregnancy; marital status; race, age, language, education information (qualifications); financial information; employment history; Identity numbers; physical and postal address; contact details (contact number(s), fax number, email address); criminal record; well-being and

	family members, medical, nationality, ethnic or social origin, physical or mental health, disability, biometric information of the person, employment history, professional affiliation and references.
7) Information of job applicants for vacancies as part of recruitment processes within PSETA	Gender, pregnancy; marital status; race, age, language, education information (qualifications); financial information; employment history; Identity numbers; physical and postal address; contact details (contact number(s), fax number, email address); criminal record; well-being and family members, medical, nationality, ethnic or social origin, physical or mental health, disability, biometric information of the person, employment history, professional affiliation and references.
8) Contracted Service Providers	Company information; Names of contact persons; name of entity; name of directors and shareholders, physical and postal address and contact details (contact number(s), fax number, email address); financial information; registration number; founding documents; tax related information; authorised signatories, broad-based black economic empowerment (B-BBEE) status, affiliates entities, business strategies.

14.3. The recipients or categories of recipients to whom the personal information may be supplied by the PSETA.

14.3.1. The PSETA may provide the personal information of data subjects to the employees of the PSETA within the Human Capital Department, as part of executing its statutory obligations.

14.3.2. The PSETA may supply the personal information of data subject to the Service Providers who render the following services:-

- (a) Capturing and organising of personal information;
- (b) Storing of personal information;
- (c) Sending of emails and other correspondence to the public;
- (d) Conducting due diligence checks;
- (e) Conducting criminal checks;
- (f) Conducting qualification verifications;
- (g) Forensic investigation and any other investigation relating to the activities of the PSETA;
- (h) Auditing;
- (i) Administrators of the PSETA Employee's Provident, Pension Funds and medical aids; payroll; automated leave management systems; and
- (j) ICT Infrastructure.

14.4. The PSETA may also supply the personal information of data subjects to:

- 14.4.1. any regulatory authority or tribunal, in respect of any matter or part thereof, that falls under their jurisdiction;
- 14.4.2. law enforcement agencies, such as the National Prosecuting Authority or South African Police Service, for criminal investigation; and
- 14.4.3. to courts or legal representatives, in respect of any litigious matter issued out of the Courts or taken on judicial review.

14.5. Planned transborder flows of personal information

14.5.1. The PSETA has not planned Transborder flows of personal information. However, should it become necessary to transfer personal information to another country for any lawful purposes, the PSETA will ensure that anyone to whom it pass personal information is subject to a law, or binding agreement which provides an adequate level of protection and the third party agrees to

treat that personal information with the same level of protection as the PSETA is obliged under the POPI Act.

14.5.2. Any transfer of personal information cross border shall be with data subject's consent, however, should it not be reasonably practicable to obtain data subject's consent, the Regulator shall transfer the personal information if-

- (a) it will be for the data subject's benefit; and
- (b) the data subject would have given consent should it have been reasonably practicable to obtain such consent.

14.6. General Description of Information Security Measures

14.6.1. The PSETA continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking appropriate, reasonable technical and organisational measures to prevent-

- (a) loss of, damage to or unauthorised destruction of personal information; and
- (b) unlawful access to or processing of personal information.

14.6.2. The PSETA has taken reasonable measures, as contained paragraph 14.6.1 above, to-

- (a) identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;
- (b) establish and maintain appropriate safeguards against the risks identified;
- (c) regularly verify that the safeguards are effectively implemented; and
- (d) ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

14.6.3. Measures taken by the PSETA in this regard, include:

- (a) Access control;

- (b) Training and awareness done with PSETA employees;
- (c) Firewalls installed on PSETA network to protect PSETA network and environment;
- (d) Anti-virus software to protect against possible malware and viruses;
- (e) Password authentication – password required by PSETA employees in order to access PSETA systems;
- (f) Regular updating of password- PSETA user passwords for authentication which is to be updated once every 30 days;
- (g) Malicious websites that may access user's personal information are blocked by ICT Department;
- (h) Shredders installed next to all office printers to ensure that physical personal information such as ID copies are immediately destroyed to prevent loss of personal information.

15. PAYMENT OF FEES

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

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

15.1.2. 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.

15.2. 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, as set out in section 22(1) of the PAIA Act. The Fees payable shall be as set out in the PAIA Act Regulations, as and when amended. The prescribed fees are as set out in **Annexure C**, attached hereto.

- 15.3. 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.
- 15.4. 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 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.

16. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- 16.1. 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:
- 16.1.1. 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;
- 16.1.2. 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;
- 16.1.3. 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;
- 16.1.4. 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;

- 16.1.5. 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;
 - 16.1.6. if the record or information is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege; or
 - 16.1.7. 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.
 - 16.1.8. The request for access must be refused based on any of the grounds contained in the PAIA Act, which are not listed in 16.1.1 - 16.1.7 above.
- 16.2. 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:
- 16.2.1. A substantial contravention of, or failure to comply with, the law; or
 - 16.2.2. An imminent and serious public safety or environment risk; and
 - 16.2.3. 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.
 - 16.2.4. Based on any other reason based on the grounds set out in the PAIA Act.

17. RIGHT OF APPEAL AND REMEDIES FOR REFUSAL

- 17.1. 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.

17.2. 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.

17.3. The appeal against a decision by PSETA for refusal of access to information, must be lodged within 60 days of notification of refusal.

18. AVAILABILITY OF THE MANUAL

18.1. This PSETA PAIA Manual will be made available in electronic and hard copies in English and two other official languages of the Republic of South Africa.

18.2. 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.

19. DISPOSAL OF RECORDS

19.1. The PSETA reserves the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service.

19.2. Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

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

19.3.1 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

- 19.3.2 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.

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 policy owner shall ensure that it is communicated to staff using various modes, not limited to email, intranet, workshops etc.
- 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 policy owner 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 2
REQUEST FOR ACCESS TO RECORD

[Regulation 7]

Note:

- 1. Proof of identity must be attached by the requester.*
- 2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

A. The Public Service Education and Training Authority (PSETA)

The PSETA Information Officer

(address)

Email address: _____

Fax number: _____

Mark with an "X"

☐ Request is made in my own name

☐ Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PARTICULARS OF RECORD REQUESTED

Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

TYPE OF RECORD

(Mark the applicable box with an "X")

Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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

Indicate which right is to be exercised or protected	

FEES

- a) *A request fee must be paid before the request will be considered.*
- b) *You will be notified of the amount of the access fee to be paid.*
- 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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer/Deputy Information Officer

ANNEXURE B

FORM 4 LODGING OF AN INTERNAL APPEAL [Regulation 9]

Reference number: _____

PARTICULARS OF PUBLIC BODY			
Name of public body:			
Name and surname of information officer:			
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL			
Full names:			
Identity number:			
Postal address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		
E-mail Address:			
Is the internal appeal lodged on behalf of another person?		Yes	No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>			
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>			
Full names:			
Identity number:			
Postal address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		
E-mail address:			
DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>			
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:			
GROUNDS FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed.)</i>			
State the grounds on which the internal appeal is based:			

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

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20____

Signature of appellant/Third party

**FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received by: (state rank, name and surname of Information officer)							
Date received:							
Appeal accompanied by the reasons for the 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:			<table border="1"> <tr> <td>Yes</td> <td></td> </tr> <tr> <td>No</td> <td></td> </tr> </table>	Yes		No	
Yes							
No							
OUTCOME OF APPEAL							
Refusal of request for access. Confirmed?	Yes		New decision (if not confirmed)				
	No						

Fees (Sec 22). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Extension (Sec 26(1)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Access (Sec 29(3)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Request for access granted. Confirmed?	Yes		New decision (if not confirmed)	
	No			

Signed at _____ this _____ day of _____ 20____

Relevant authority

ANNEXURE C

FEES

Fees in respect of Public Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00 R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.