



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

MANUAL

FOR

THE DEPARTMENT OF EMPLOYMENT AND LABOUR

*IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2000 (ACT NO. 2 OF 2000) AND SECTION 17 OF THE
PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)*

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1. DEFINITIONS

For the purpose of this Manual, unless the context otherwise indicates:

“Access Fee” means a fee prescribed for the purposes of section 22 (6) or 54 (6), as the case may be;

“BAS” means Basic Accounting Systems;

“BCEA” means Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) as amended;

“CCMA” means The Commission for Conciliation, Mediation and Arbitration;

“CEE” means Commission for Employment Equity;

“CF” means Compensation Fund;

“CF Board” means the Compensation Fund Board;

“CFO” means Chief Financial Officer;

“COIDA” means the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993) as amended;

“DG” means Director-General of the Department of Employment and Labour;

“Data Subject” means the person whom the personal information relates;

“Department” means the Department of Employment and Labour;

“Deputy Information Officers” means the officials duly authorised by the Information Officer to ensure that the requirements of PAIA are administered in a fair, objective and unbiased manner;

“EEA” means the Employment Equity Act, 1998 (Act No. 55 of 1998) as amended;

“ECC” means Employment Conditions Commissions;

“HRD” means Human Resource Development;

“HRM” means Human Resource Management;

“IES” means Inspection and Enforcement Services;

“Information Officer” in relation to the Department, means the Director-General;

“LRA” means the Labour Relations Act, 1995 (Act No. 66 of 1995) as amended;

“MISS” means Minimum Information Security Standards;

“MTEF” means Medium-Term Expenditure Framework;

“NMWA” means the National Minimum Wage Act, 2018 (Act No. 9 of 2018);

“NEDLAC” means The National Economic Development and the Labour Council;

“NPI” means National Productivity Institute;

“NASA” means National Archives of South Africa;

“NASA Act” means the National Archives and Records of South Africa Act, 1996 (Act No.43 of 1996);

“The Manual” means this Manual together with all the annexures hereto; and which is available at the Department of Employment and Labour;

“The Minister” means the Minister of Employment and Labour;

“OHSA” means Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

“PAIA” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

“PES” means Public Employment Services;

“Personal Requester” means a requester seeking access to a record containing information about the requester;

“PFMA” means the Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended;

“POPIA” means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);

“POPI Regulations” means the regulations for the protection of personal information issued in terms of section 122 (2) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) on 14 December 2018;

“Programmes” means the structure of the Department comprising of four independent branches;

“Records” means the records as defined in terms of section 1 of PAIA;

“Regulator” means the Information Regulator established in terms of section 39 of POPIA;

“Responsible Party” means the Department;

“Request for Access” means a request for access to a record in terms of section 11 of PAIA;

“Requester” means –

- (a) any person (other than a public body contemplated in paragraph (a) of (b) (i) of the definition of “public body”, or an official thereof) making a request for access to a record of that public body;
- (b) a person acting on behalf of the person referred to in subparagraph (i);

“SAPS” means the South African Police Services;

“SARS” means South African Revenue Services;

“SDA” means Skills Development Act, 1998 (Act No. 97 of 1998) as amended;

“SLA” means Service Level Agreement;

“SOP” means Standard Operating Procedure;

“SSA” means State Security Agency;

“third party” means any person (including, but not limited, to the government of a foreign state, or an international organization or an organ of that government or organization) other than

- (a) the requester concerned; and

- (b) a public body.

“UI Board” means The Unemployment Insurance Board;

“UIA” means Unemployment Insurance Act, 2001 (Act No. 63 of 2001) as amended;

“UIF” means The Unemployment Insurance Fund.

In this Manual, words importing any gender shall include the other gender, and the singular shall include the plural, unless the content indicates otherwise.

2. INTRODUCTION

Section 32(1)(a) of the Constitution of the Republic of South Africa, 1996, (“Constitution”) determines that everyone has a right of access to any information held by the State. Section 32(2) of the Constitution provides for the enactment of national legislation to give effect to this fundamental right. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“PAIA”) is the national legislation contemplated in section 32(2) of the Constitution.

Section 14 of the Constitution provides for the right to privacy. The Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (“POPIA”) gives effect to the constitutional right to privacy provided in section 14 of the Constitution:

- (i) by safeguarding a person’s personal information when processed by public and private bodies;
- (ii) in a manner which balances the right to privacy with any other right, including the rights in the Bill of Rights in Chapter 2 of the Constitution, particularly the right to access information; and
- (iii) subject to justifiable limitation, including, but not limited to effective, efficient and good governance and the free flow of personal information, particularly trans-border transfers.

Section 9 of PAIA recognizes that the right of access to information is subject to certain justifiable limitations aimed at, amongst other:

- (a) the reasonable protection of privacy;
- (b) commercial confidentiality; and
- (c) effective, efficient and good governance.

Section 55(2) of POPIA requires the Department to register its Information Officer with the Regulator before taking up his or her respective duties in terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) and the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

Section 14(1) of PAIA stipulates that the Information Officer of the Public body must compile a Manual.

This Manual has been compiled in accordance section 14(1) of the Promotion of Access to Information Act of 2000 (Act No. 2 of 2000) (The Act). Regulation 4(1) of the POPIA Regulations confirms the publication requirement of PAIA when it stipulates “...*a manual is developed, monitored, maintained and made available as prescribed in section 14 and 15 of PAIA.*” The requirement for a Manual is then extended to include POPIA requirements when section 17 of POPIA provides that a “...*responsible party must maintain the documentation of all processing operations under its responsibility as referred to in section 14 or 51 of the Promotion of Access to Information Act.*”.

The purpose of this Manual is to ensure that the Department of Employment and Labour (the public body in terms of PAIA and POPIA) complies with the requirements of both PAIA and POPIA.

The Manual is to serve as a guide on how members of the public can access the information that is being kept in the records of the Department of Employment and Labour. The Manual also prescribes the manner in which the information must be accessed. Set out below is the procedure with regard to the lodging of a request for access to the Department of Employment and Labour’s information.

The Manual also contains information of the designated Information Officer and Deputy Information Officer who are responsible for handling all the requests for access to information. Lastly, the Manual indicates the name of all Programmes within the Department of Employment and Labour, its core functions and a list of all records kept by the Department of Employment and Labour.

3. PARTICULARS IN TERMS OF SECTION 14 OF PAIA

3.1 CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

INFORMATION OFFICER

Full Names : Thobile Lamati
Designation : Director-General
Postal Address : Private Bag X117,
Pretoria, 0001
Telephone No. : 012 309 4126
Fax No. : 012 309 4625
E-mail Address : Thobile.Lamati@labour.gov.za

Description of the Functions

To provide strategic leadership to the Department and to ensure a transparent, accountable, professional and efficient client service.

Provides administrative oversight for effective implementation of the Department's mandate and overall accounting oversight.

The Information Officer is authorized to handle PAIA requests.

DEPUTY INFORMATION OFFICER

CHIEF DIRECTOR : LEGAL SERVICES

Postal Address : Private Bag X117,
Pretoria, 0001
Telephone No : 012 309 4347. :
E-mail Address : Namhla.Biyela@labour.gov.za

The Deputy Information Officer is delegated by the Information Officer to assist the requester with his/her information request.

Description of the Functions

To co-ordinate, all matters relating to transparency and to process requests in terms of the Act.

3.2 FUNCTIONS AND STRUCTURE OF THE DEPARTMENT [SECTION 14(1)(A)]

3.2.1 ORGANISATIONAL STRUCTURE (TOP LEADERSHIP)

TW NXESI : MP, Minister

BE MOLOI : MP, Deputy Minister

T LAMATI : Director-General

M BRONKHORST : Chief Operations Officer

S NDEBELE : Acting Deputy Director-General: Labour Policy and Industrial Relations

S MOROTOBA : Deputy Director-General: Public Employment Services

A MOILOA : Deputy Director-General: Inspection and Enforcement Services

B MATEBESI : Deputy Director-General: Corporate Services

F FAKIR : Acting Commissioner: Compensation Fund

T MARUPENG : Commissioner: Unemployment Insurance Fund

BE MADUNA : Chief Financial Officer

3.2.2 MANDATE

Relevant Legislative and Policy Mandates

The Department of Employment and Labour derives its mandate from the Constitution of the Republic of South Africa and gives effect thereto through a number of Acts, which regulate labour matters in South Africa. Such legislation includes the Labour Relations Act (1995), the Basic Conditions of Employment Act (1997), the Employment Equity Act (1998), and the Occupational Health and Safety Act (1993).

The Department of Employment and Labour's legislative framework is informed by the South African Constitution's, Chapter 2, and Bill of Rights:

- Section 9, to ensure equal access to opportunities
- Section 10, promotion of labour standards and fundamental rights at work
- Section 18, Freedom of association
- Section 23, To ensure sound Labour relations
- Section 24, To ensure an environment that is not harmful to the health and wellbeing of those in the workplace
- Section 27, To provide adequate social security nets to protect vulnerable workers
- Section 28, To ensure that children are protected from exploitative labour practices and not required or permitted to perform work or services that are inappropriate for a person of that child's age or their well-being, education, physical or mental health or spiritual, moral or social development is placed at risk and
- Section 34, Access to courts and access to fair and speedy labour justice.

3.2.3 VISION

The Department of Employment and Labour strives for a labour market, which is conducive to investment, economic growth, employment creation and decent work.

3.2.4 MISSION

Promote employment and regulate the South African labour market for a sustainable economic growth through:

- **Appropriate** Legislation and Regulations;
- Inspection and Enforcement;
- Protection of **Worker** Rights;
- Provision of Employment Services;
- Promoting Equity;
- Provision of Social Protection;
- Promote Social Dialogue.

3.2.5 VALUES

We shall at all times be exemplary in all respects

We treat employees with care, dignity and respect

We respect and promote:

- Client centered services
- Accountability
- Integrity and ethical behavior
- Learning and development

We live the Batho Pele Principles

We live the principles of the Department's Service Charter

We inculcate these values through our Performance Management System.

3.2.6 LEGISLATION ADMINISTERED BY THE DEPARTMENT

Serial No	LEGISLATION	PURPOSE
1	Labour Relations Act, 66 of 1995 (LRA), as amended	The Labour Relations Act (LRA), Act 66 of 1995 aims to promote economic development, social justice, labour peace and democracy in the workplace
2	Basic Conditions of Employment Act, 75 of 1997 (BCEA), as amended	The purpose of this Act is to advance economic development and social justice by fulfilling the primary objects of this Act which are: (a) To give effect to and regulate the right to fair labour practices conferred by section 23(1) of the Constitution by: (i) Establishing and enforcing basic conditions of employment (ii) Regulating the variation of basic conditions of employment (b) To give effect to obligations incurred by the Republic as a member state of the International Labour Organisation
3	Employment Equity Act, 55 of 1998 (EEA), as amended	The purpose of the Act is to achieve equity in the workplace, by (a) Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination (b) Implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, to ensure their equitable representation in all occupational levels in the workforce
4	Unemployment Insurance Act, 30 of 2001, as amended (UIA)	The Act empowers the Unemployment Insurance Fund to register all employers and employees in South Africa for unemployment insurance benefits
5	Occupational Health and Safety Act, 85 of 1993 (OHSA)	The Occupational Health and Safety Act aims to provide for the health and safety of persons at work and for the health and safety of persons in connection with the activities of persons at work and to establish an advisory council for occupational health and safety
6	Compensation for Occupational Injuries and Diseases, Act 130 of 1993 (COIDA), as amended	To provide for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases; and to provide for matters connected therewith
7	National Economic Development and Labour Council Act, 35 of 1994 (NEDLAC)	To provide for the establishment of a national economic, development and labour council; to repeal certain provisions of the Labour Relations Act, 1995; and to provide for matters connected therewith
8	Employment Services Act 4 of 2014 Skills Development Act 97 of 1998 Sections 24 – 26	To provide for public employment services, their governance and functioning, including the registration of private employment agencies To provide for transitional arrangements with regard to regulation of private employment agencies

Serial No	LEGISLATION	PURPOSE
9.	Unemployment Insurance Contributions Act, 4 of 2002	To provide for the imposition and collection of contributions for the benefit of the Unemployment Insurance Fund; and to provide for matters connected therewith
10.	National Minimum Wage Act, Act 9 of 2018	<p>The National Minimum Wage Act 9 of 2018 aims:</p> <ul style="list-style-type: none"> • To provide for a national minimum wage • To establish the National Minimum Wage Commission • To provide for the composition and functions of the National Minimum Wage Commission • To provide for the review and annual adjustment of the national minimum wage • To provide for exemption from paying the national minimum wage • To provide for matters connected therewith

3.3 STRUCTURE AND FUNCTIONS OF THE DEPARTMENT

The Department is structured to undertake the fulfillment of its mandate as outlined in its mission and vision statement. Its key mandate is to ensure that the South African labour market functions optimally through the process of intensive labour law reform and the creation of appropriate institutions to support economic growth and job creation, labour market stability and promote social debate.

The Department will endeavour to enhance the quality and accessibility of services by improving efficiency and accountability to the citizens and service beneficiaries.

The Department will continue to transform the labour market and to provide improved service delivery by enhancing access to services and information aimed at improving the quality of all South African citizens.

3.3.1 PROGRAMMES OF THE DEPARTMENT

The Department of Employment and Labour consists of the following Programmes:

PROGRAMME 1 :

ADMINISTRATION

PURPOSE:

Provide strategic leadership, management and support services to the Department.

This Programme consists of the following Sub-Programmes:

Ministry provides political oversight to ensure that the Department's mandate is achieved.

MP, MINISTER : TW NXESI

MP, DEPUTY MINISTER : BE MOLOI

THE OFFICE OF THE DIRECTOR-GENERAL provides Administrative oversight for effective implementation of the Department's mandate and overall Accounting oversight.

DIRECTOR GENERAL : MR T LAMATI

OFFICE OF THE CHIEF OPERATIONS OFFICER manages and directs Medium-Term Strategic Planning processes, Performance Information Reporting, Monitoring and Evaluation of Performance Against Plan, Service Delivery Improvement Plans and Provincial Operations.

CHIEF OPERATIONS OFFICER : MS. M BRONKHORST

CORPORATE SERVICES

DEPUTY DIRECTOR-GENERAL : MS. B MATEBESI

CORPORATE SERVICES includes the following:

COMMUNICATION

CHIEF COMMUNICATION OFFICER : MR. T THEJANE

Description of Functions

Disseminates and improves access to information about the Department.

HUMAN RESOURCE MANAGEMENT

CHIEF DIRECTOR : MS. M MATYILA

Description of Functions

Ensures optimum and efficient utilisation and development of Human Capital and to provide an advisory service on matters pertaining to, Organisational Effectiveness & Development, transformation management, individual performance management, Sound Employee Relations, Employee Health & Wellness, as well as effective and efficient recruitment, selection and placement services including research and development of Human Resources policies and practices.

CHIEF INFORMATION OFFICER

CHIEF DIRECTOR (ACTING) : MR. V PILLAY

Description of Functions

Caters for the Information and Communications Technology (ICT) needs and requirements of the Department.

LEGAL SERVICES

CHIEF DIRECTOR : PROF. V SINGH

Description of Functions

Provides Legal Support Services to the Department.

INTERNAL AUDIT

DIRECTOR : MS. M NKUNA

Description of Functions

Provides management and the Audit Committee with independent objective assurance with a view of improving effectiveness of governance, risk management and control processes.

RISK MANAGEMENT

DIRECTOR : MS. S RANGONGO

Description of Functions

Pro-actively manages/addresses risks that have a negative impact on the performance of the Department.

SECURITY SERVICES

DIRECTOR : MS. N TSHETLO

Description of Functions

Renders security support aimed at protecting information, staff and assets of the Department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

CHIEF FINANCIAL OFFICER : MR. B E MADUNA

Description of Functions

Renders effective and efficient financial management and administrative support for the Department as well as office accommodation requirements.

PROGRAMME 2:

INSPECTION AND ENFORCEMENT SERVICES (IES)

DEPUTY DIRECTOR-GENERAL : MS. A MOILOA

PURPOSE

Realise decent work by regulating non-employment and employment conditions through inspection and enforcement, to achieve compliance with all labour market policies.

Description of Functions

Protect vulnerable workers through the inspection and enforcement of labour legislation by ensuring that decent work principles are adhered

INSPECTION AND ENFORCEMENT SERVICES includes the following:

OCCUPATIONAL HEALTH AND SAFETY

CHIEF INSPECTOR (ACTING) : MR P MAPHAHA

Description of Functions

Promotes health and safety in the workplace by conducting inspections on compliance with the Occupational Health and Safety Act, 1993 and regulating dangerous activities and the use of plant and machinery.

STATUTORY AND ADVOCACY SERVICES

CHIEF DIRECTOR : ADV. F MNCANCA

Description of Functions

Gives effect to the legislative enforcement requirement and educate stakeholders on labour legislation.

Management and Support Services: Inspection and Enforcement Services manages the delegated administrative and financial responsibilities of the office of the Deputy Director General, and provides corporate support to line function subprogrammes within the programme.

Registration: Inspection and Enforcement Services registers incidents relating to labour relations and occupational health and safety, as reported by members of the public, and communicates these to the relevant structures within the *Compliance, Monitoring and Enforcement Services* sub programme for investigation.

Compliance, Monitoring and Enforcement Services ensures that employers and employees comply with labour legislation by conducting regular inspections and following up on reported incidents.

Training of Staff: Inspection and Enforcement Services defrays all expenditure relating to staff training within this programme.

PROGRAMME 3: PUBLIC EMPLOYMENT SERVICES

DEPUTY DIRECTOR-GENERAL : MR. S MOROTOB

PURPOSE

Provides assistance to companies and workers to adjust to changing labour market conditions.

Description of Functions

Provide public employment services and collaborate with the Program Management Office, the UIF, other departments to support work seekers.

PUBLIC EMPLOYMENT SERVICES includes the following:

EMPLOYER SERVICES

CHIEF DIRECTOR : MS. E TLOANE

Description of Functions

Registers work opportunities, facilitates the employment of foreign nationals where such skills do not exist in South Africa, oversees placements, responds to companies in distress, provides a social plan and regulates private employment agencies.

WORKS-SEEKER SERVICES

CHIEF DIRECTOR : MR. S GOVENDER

Description of Functions

Registers work seekers, retrenched workers, work and learning opportunities, training and income-generating opportunities on the Employment Services of South Africa system, and facilitates access to employment and income-generating opportunities for the unemployed and underemployed.

Designated Groups Special Services facilitates the transfer of subsidies to national organisations to promote the employment of Persons with Disabilities.

SUPPORTED EMPLOYMENT ENTERPRISES

CHIEF EXECUTIVE OFFICER : MR. S PHAKATHI

Description of Functions:

Promote supported employment for persons with long-term physical, mental or sensory impairment disabilities.

PROGRAMME 4: LABOUR POLICY AND INDUSTRIAL RELATIONS

DEPUTY DIRECTOR-GENERAL : MR. S NDEBELE (Acting)

PURPOSE

Facilitates the establishment of an equitable and sound labour relations environment, support institutions that promote social dialogue; promote South Africa's interests in international labour matters, conduct research, analysis and evaluation of labour policy and provide statistical data on the labour market.

Description of Functions:

- Improve employment equity implementation and compliance monitoring mechanisms in the labour market;
- Extend protection to vulnerable workers by publishing national minimum wages for all sectors;
- Promote sound labour relations and centralised collective bargaining through the extension of collective agreements and registration of qualifying labour organisations;
- Monitor and evaluate the impact of labour legislation to promote an evidence-based labour policy framework through the production of research and labour market trend

LABOUR POLICY AND INDUSTRIAL RELATIONS includes the following:

LABOUR RELATIONS

CHIEF DIRECTOR : MR. T MKALIPI

Description of Functions

Collective Bargaining: Manages the implementation of the Labour Relations Act, 1995 through policies and practices that promote sound labour relations by publishing and extending collective agreements; supporting and advancing participation in collective bargaining structures, and participating in relevant National Economic Development and Labour Council activities.

Strengthen Civil Society: transfers funds to various civil society organisations that protect vulnerable workers by providing resources, support and expertise to improve the independence and self-reliance of workers, in order to contribute to a stable and well-functioning labour market.

Employment Equity promotes equity in the labour market through the elimination of unfair discrimination and the promotion of equitable representation in the workplace through the development and promotion of employment equity policy instruments as mandated by the Employment Equity Act, 1998 as amended

Employment Standards: protects vulnerable workers in the labour market by administering the Basic Conditions of Employment Act, 1997.

RESEARCH POLICY AND PLANNING

CHIEF DIRECTOR : MR. S MOLAPO

Description of Functions

Research, Policy and Planning: monitors and evaluates the impact of labour legislation and policies that affect the South African labour market.

Labour Market Information and Statistics: collects, collates, analyses and disseminates internal and external labour market statistics regarding changes in the South African labour market as a result of the implementation of labour legislation.

INTERNATIONAL LABOUR MATTERS

CHIEF DIRECTOR : MR. S NDEBELE

Description of Functions

Contributes to global policy formulation and facilitates compliance with international obligations through multilateral and bilateral relations.

OFFICE OF THE REGISTRAR OF LABOUR RELATIONS

REGISTRAR OF LABOUR RELATIONS : MR. L D MOLEFE

Description of Functions

Regulates the compliance of registered trade unions and employer's organisations in terms of the powers bestowed to the office in term of section 109 of the Labour Relations Act of 1995 (Act No. 66 of 1995).

3.4 ENTITIES OF THE DEPARTMENT

These entities form part of and that reports to the Department.

3.4.1 UNEMPLOYMENT INSURANCE FUND (UIF)

DEPUTY INFORMATION OFFICER : Mr. T MARUPING

Postal Address	: PO Box 1851 Pretoria, 0001
Telephone No.	: (012) 337 1880
Email	: Teboho.Maruping@labour.gov.za

Description of functions of the Service

The Unemployment Insurance Fund (UIF) contributes to the alleviation of poverty in South Africa by providing short-term unemployment insurance to all workers who qualify for unemployment related benefits.

3.4.2 COMPENSATION FUND

DEPUTY INFORMATION OFFICER	: MS F FAKIR (Acting)
Postal Address	: PO Box 955, Pretoria, 0001
Telephone no.	: (012) 319 9458
Email	: Farzana.Fakir@labour.gov.za

Description of functions of the Service

Provides for costs incurred through claims from civil servants for injuries sustained on duty or occupation- related illnesses and diseases, and provides for the funding of claims from the Compensation Fund.

3.5 STATUTORY BODIES THAT REPORT TO THE MINISTER OF EMPLOYMENT AND LABOUR

3.5.1 COMMISSION FOR CONCILIATION MEDIATION AND ARBITRATION (CCMA)

INFORMATION OFFICER	: MR. C MORAJANE
Postal Address	: Private Bag X94 Marshall Town 2107
Telephone No.	: 011 377 6650
Fax No.	: 011 834 7351

Description of functions of the Service

Promotes social justice and fairness in the workplace through dispute prevention and dispute resolution services.

3.5.2 NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL (NEDLAC)

INFORMATION OFFICER : MS. L SEFTEL

Postal Address : PO Box 1775,
Saxonwold
2132

Telephone No. : 011 328 4200
Fax No. : 011 447 2089

Description of functions

Promotes economic growth, participation in economic decision making and social equity through social dialogue.

3.5.3 PRODUCTIVITY SOUTH AFRICA

INFORMATION OFFICER : MR. M MOTHIBA

Postal Address : Private Bag 235
Midrand
1685

Telephone No. : (011) 848 5386
Fax No. : (011) 848 5555

Description of functions of the Service

Promotes workplace productivity, competitiveness and social plan interventions.

4. GUIDE ON HOW TO USE PAIA

In terms of Section 10 of PAIA, the Information Regulator has compiled a guide, which seeks to assist a person who wishes to exercise any right contemplated in PAIA and POPIA.

The Office of the Information Regulator has been established in terms of section 39 of POPIA, to monitor and enforce compliance with both PAIA and POPIA.

The Information Regulator is at the following address:

Physical Address:

JD House

27 Stiemens Street
Braamfontein
Johannesburg
2001

Postal Address

P. O. Box 31533
Braamfontein
Johannesburg
2017

5. REQUESTS FOR ACCESS TO INFORMATION

[SECTION 14(1)(D)]

Everyone has a right to request access to recorded information held by the Department, subject thereto that the request is made on the prescribed form and that the prescribed fees are paid. Access is also subject to the grounds of exclusion found in Chapter 4 of PAIA. The request may be made by anyone who acts in their own interests or acts on behalf of someone who cannot do so themselves.

In terms of Section **14(1)(d)** of PAIA, the Department must provide details of records in its possession in order to give effect to requests for access to information. Details of the various subjects on which the Department holds records

and the categories of records within these subjects are detailed below. Some of these records are automatically available and no request form or fees are required for access to these such records.

5.1 PROCEDURE FOR REQUESTING RECORDS

Form

A Requester must complete the prescribed Form A which:

- (a) Can be found in the Regulations to PAIA;
- (b) Is on the website at inforreg@justice.gov.za; or
- (c) Is attached to this Manual as Annexure A;

Process

- (a) The request for information must be submitted to:

Director-General
Private Bag X117
Pretoria
0001

ATTENTION: CHIEF DIRECTOR: LEGAL SERVICES

Email : Namhla.Biyela@labour.gov.za

- The requester must indicate on the Form the manner of access sought as prescribed by section 29;
- The Department will endeavor to give access in the form requested unless this would tamper with the smooth running of the Department;
- Giving access will give due consideration to preservation of material, infringement of copyright and request or access fees as prescribed must be paid before a request is processed and, search and preparation fees are also payable before access is given;

- A requester representing another must give details of the capacity in which they act; [section 18(2)(f)].
- A requester, who cannot read nor write or needs assistance in completing a request form, may present the request orally and the Deputy Information Officer is obliged to assist such a requester. [section 18(3)]
- If the Information Officer fails to give the decision on a request for access to the requester concerned within 30 days after the request is received, the Information Officer is, regarded as having refused the request.

Request on behalf of another person

If a request is made on behalf of another person, a requester must submit proof of the capacity in which he or she is making the request, to the reasonable satisfaction of the information Officer.

Transfer of requests [section 20 of PAIA]

- (a) The Information Officer of the Department may transfer requests for records to another public body when:
 - (i) The record is in possession of that public body;
 - (ii) The subject matter of the record is more closely associated with the functions of that public body;
 - (iii) The record was created for that public body, or was received first by that body; or
 - (iv) The record contains commercial information in which that public body has a greater commercial interest.
- (b) In such instances, the information Officer of the Department will have to transfer the request to the other public body as soon as is reasonably possible,

but within 14 days after the request is received. If the Department is in possession of the record that is being requested and its information Officer considers it helpful to do so to enable the Information Officer of the other public body to deal with the request, the record or a copy of the record will be sent to that Information Officer.

- (c) If a request for access to a record has been transferred, any period prescribed for the completion of an activity related to the request, has to be computed from the date it was received by the Information Officer to which it was referred. All the relevant periods that apply to a request for information to be adhered to.

Notification of the transfer

- (a) When a request for access has been transferred, the Information Officer making the transfer will immediately notify the requester of:
 - (i) The transfer;
 - (ii) The reasons for the transfer;
 - (iii) The period within which the request must be dealt with [s20(5) of PAIA].
- (b) The Information Officer will reasonably ensure that a record to which access has been requested is preserved until a decision is taken about access to the information [s21 of PAIA].

Telephonic Requests

The Department permits informal telephonic requests. Any such request made to the Information Officer/Deputy Information Officer at the telephone number given in this Manual will be attended to unless the Deputy Information Officer indicates that the provisions of the Act must be carried out – in this case the request will commence with the completion of **FORM A and payment of requisite fees if applicable.**

Payment of Fees in terms of the Request [Section 22 of PAIA]

- (a) Two types of fees are required to be paid in terms of PAIA, namely **as request fee** and an **access fee**. A requester, who seeks information on records about himself or herself or next of kin if the information is about a deceased individual, is exempted from paying fees.
- (b) Every other requester, who is not a personal requester, must pay the required request fee.
- (c) The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee before further processing the request.
- (d) The request payable to public bodies is R40.00.
- (e) After the information officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- (f) If the request is granted, then a further access fee must be paid for the search, preparation and reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Payment Method

Every requester who is not a personal requester must pay the required request fee. The requester must deposit the request fee into its bank account (details of which will be given to the requester by the Department). The proof of the deposit slip must be forwarded to the Department's Deputy Information Officer before any request can be processed.

DETAILS OF DEPARTMENT'S BANK ACCOUNT:

Bank : First National Bank

Account Holder : Department of Employment and Labour

Account Number ; 62025135577

Branch : 253145

It is important to note the provisions of **section 22(1)** of PAIA contemplates that no request may be processed unless a request fee is paid. (See fee below prescribed by PAIA at the end of the Manual)

5.2 CATEGORIES OF RECORDS HELD BY THE DEPARTMENT [SECTION 14(1)(d) OF PAIA]

This section of the Manual serves as a reference to the records and Information relevant to the functions and services of the Department and can broadly be categorized as follows:

- i Policies, strategies, delegations, governmental notices and legislation;
- ii Press statements and speeches;
- iii Departmental personnel records;
- iv Department financial records;
- v Agenda and minutes of departmental meetings;
- vi General administration meetings;
- vii Departmental Reports;
- viii Internal circulars, internal memoranda, letters, cabinet memoranda;
- ix Contracts and international agreements;
- x Programme specific information including:
 - a) Business plans;
 - b) Strategy documents;
 - c) Programme specific information;
 - d) Research documents;

5.3 NOTICE OF AUTOMATICALLY AVAILABLE RECORDS [SECTION 14(1)(e) of PAIA]

No notice has been published regarding the categories of records of the Department which are available without a person having to request access in terms of the procedures in the Promotion of Access to Information Act. However, the records on the website of the Department, www.labour.gov.za, are available for viewing without a person having to make a request in terms of the said Act.

5.3.1 in terms of section 14(1)(e) of PAIA, the Department has the following categories of records automatically available without a person having to request access in terms of PAIA:

- (a) Acts, Bills and Regulations published by the Department;
- (b) Published policies and guidelines;
- (c) Application Forms
- (d) E-publications
- (e) Published booklets and brochures
- (f) Published marketing material, including departmental marketing brochures
- (g) Published newsletters
- (h) Published posters and pamphlets
- (i) Published reports
- (j) Strategic Plan
- (k) Annual Performance Plan
- (l) Annual Reports
- (m) Budget speeches
- (n) Basic guides
- (o) Codes of Good Practice
- (p) Sectoral Determinations
- (q) Conventions (signatory to ratified conventions)

5.3.2 MANNER OF ACCESS FOR AUTOMATICALLY AVAILABLE RECORDS

In order to access these records, it is **not a requirement to fill in the prescribed FORM A**. The Department website contains most of the information indicated in paragraph 5.3.1 above and is directly accessible from the internet. Please refer and use the website before submitting requests as it would be a quicker way of accessing the Department's records. The other information that is not posted on the website may be requested from the Department without submitting an access to information request. It is also not a requirement that requestor fees be paid unless voluminous

copies of such record needs to be made. Each office of the Department must provide the means to access records that are automatically available. Where records that are automatically available are already placed with NASA for archiving purposes, the records will be made available in compliance with the laws applicable to the perusal of such records.

5.3.3 FRIVOLOUS OR VEXATIOUS REQUESTS OR SUBSTANTIAL AND UNREASONABLE DIVERSION OF RESOURCES

The Information Officer may refuse a request for access to a record if:

- the request is manifestly frivolous or vexatious;
- the work involved in processing the request would substantially and unreasonably divert the resources of the Department.

5.3.4 MANDATORY DISCLOSURE IN THE INTEREST OF THE PUBLIC

Despite any other provision in PAIA, the Information Officer must grant a request for access to a record of the Department if:

- a) the disclosure of the record would reveal evidence of –
 - a substantial contravention of, or failure to comply with the law; or
 - an imminent and serious public safety or environmental risk; and
- b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

5.3.5 RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is in the Department's possession but is lost or damaged or does not exist, then the Information Officer must by way of an affidavit notify the requester that it is not possible to give access to that record.

The affidavit must give a full account of all steps taken to find the record in question or to determine whether the record exists, including communicating with every person who conducted the search on behalf of the Information Officer.

5.4 REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE NOT COMPLIED WITH [Section 14(1)H) of PAIA]

Internal Appeal [Section 74 of PAIA]

A requester may lodge an internal appeal to the Director-General against a decision of the Information Officer to refuse a request, against the requirement to pay request and access fees, against an extension of the period to deal with the request and against a decision to provide the information in a form other than in the particular as requested.

After exhausting the internal appeal remedy an application may be lodged with a court (**sections 78 -82**).

The Internal Appeal Procedure

- (a) When the requester / third party lodges an appeal, the prescribed appeal Form B (Annexure B attached to the end of the Manual), has to be completed and lodged with the Information Office within 60 days.
- (b) The internal appeal must identify the subject of the internal appeal and state the reasons thereof and may include any other relevant information known to the appellant.
- (c) The internal appeal must state the manner and provide the particulars, which the appellant desires to be informed of on the decision of the internal appeal in addition to a written reply and specify a postal address or fax number.

- (d) The Information Officer will forward all internal appeals and accompanying documentation to the Deputy Information Officer, who will then forward it to the Relevant Authority, which in this case is the Director General.
- (e) The Information Officer will inform the requester / third party of the outcome of the internal appeal.
- (f) A requester / third party who is dissatisfied with the outcome of the internal appeal may submit an application to the court for a final decision within 30 days of receipt of the response.

Submission of an internal appeal to the Director-General [section 75(4) of PAIA]

The Information Officer must submit an internal appeal within **10 working days** after receipt thereof to the Director-General. The Director-General must, at the same time, be provided with the reasons for the Information Officer's decision against which the internal appeal was lodged and with the details of any third party that may be involved.

Third Party [section 76 of PAIA]

- (a) When the Director-General is considering an internal appeal against the refusal of a request for access to the record of a third party, the disclosure of which may involve the unreasonable revelation of personal information, may harm the third party's commercial or financial interests or would constitute a breach of confidence, the Director-General must inform third party with a description of the contents of the appeal, details of the appellant and must state whether the Director-General is of the opinion that it would be in the best interest that the information should be revealed. The third party then has 21 days to make a written representation to the Director-General why the request for information should not be granted or, alternatively, give written consent for the disclosure of the record to the requester.
- (b) When the Director-General considering an internal appeal against the granting of a request for access to information, the Director-General must notify the requester concerned of the appeal within **30 days** after receipt thereof. The

third party has 21 days to make a written representation why the access to the record should be granted.

6. PARTICULARS IN RESPECT OF SECTION 17 OF POPIA

6.1 OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

1. A data subject who wishes to object to the processing of personal information in terms of section 11(3)(a) of POPIA, must submit the objection to the Department on **Form 1**.
2. The Department, or a designated person, must render such reasonable assistance as is necessary, free of charge, to enable the data subject to make an objection using **Form 1**.

6.2 REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTRUCTION OR DELETION OF RECORD OF PERSONAL INFORMATION

- (1) A data subject who wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information of that data subject in terms of section 24(1) of POPIA, must submit a request to the Department using **Form 2**.
- (2) The Department or a designated person must render such reasonable assistance, as is necessary free of charge, to enable a data subject to complete **Form 2**.

6.3 REQUEST FOR DATA SUBJECTS CONSENT TO PROCESS PERSONAL INFORMATION

If the Department wishes to process personal information of a data subject for the purpose of direct marketing by electronic communication must in terms of section 69(2) of POPIA submit a request for written consent to that data subject using **Form 4**.

6.4 SUBMISSION OF COMPLAINT

- (1) Any person who wishes to submit a complaint contemplated in section 74(1) of POPIA, must submit such a complaint to the Regulator using Part I of **Form 5**.
- (2) The Department or a data subject who wishes to submit a complaint contemplated in section 74(2) of POPIA must submit such a complaint to the Regulator on Part II of **Form 5**.

6.5 REGULATOR ACTING AS CONCILIATOR DURING INVESTIGATION

- (1) If during the investigation of a complaint, the Regulator decides to act as a conciliator in terms of section 76(1)(b) of POPIA, and convene a conciliation meeting, the Regulator must, as soon as it is practically possible, inform the data subject and the Department using **Form 6** of the following:
 - (a) The Regulator's decision to act as a conciliator in the matter; and
 - (b) The date, time and place of the conciliation meeting.
- (2) The Regulator-
 - (a) May consolidate separate complaints, which are alleged to relate to the same interference with the protection of personal information by the same responsible party, in order to deal with the complaints in the same conciliation proceedings;
 - (b) Must ensure that all persons entitled to attend the conciliation meeting are notified within a reasonable time of the date, time and place of the meeting;
 - (c) May request all the relevant documentation relating to the complaint from the data subject and the responsible party; and
 - (d) May confer with the parties in person, by electronic communication means, or by any other measures as is deemed appropriate.
- (3) Where a conciliation meeting fails to take place, the Regulator must arrange for an alternative date and notify the persons entitled to attend the conciliation meeting accordingly.
- (4) The Regulator must issue a conciliation certificate using **Form 7** within a reasonable time after the date of the conclusion of the conciliation meeting.
- (5) If the complaint is not resolved, or either or both parties did not attend a conciliation, the Regulator must proceed with the complaint as provided for in terms of section 76 of POPIA.

6.6 PRE-INVESTIGATION PROCEEDINGS OF REGULATOR

- (1) If the Regulator intends to investigate any matter contemplated in Chapter 10 of POPIA, the Regulator must in terms of section 79 of POPIA, notify the parties to whom the investigation relates of such intention on Part I using **Form 8** prior to conducting the investigation.

- (2) The Regulator must inform the Department if the investigation relates to it on Part II of **Form 8** of the complaint, or the subject matter of the investigation, and must inform the Department of the right to submit a written response to the complaint or the subject matter of the investigation within the time allocated by the Regulator.

6.7 SETTLEMENT OF COMPLAINTS

- (1) If it appears from a complaint or any written reply to the complaint under section 79(b)(ii) of POPIA or during a conciliation meeting, that it may be possible to secure a settlement between the parties and if appropriate, satisfactory assurances as contemplated in section 80 of POPIA, the Regulator may confer with the parties in person, by electronic communication means, or by any other means as is deemed appropriate to endeavor to obtain a settlement and if appropriate, satisfactory assurances as contemplated in section 80 of POPIA.
- (2) If during the process referred to in sub-paragraph (1) above, the Regulator decides to convene a settlement meeting, the Regulator must, as soon as it is practically possible, inform the data subject and the Department using **Form 9** of the date, time and place of the settlement meeting.
- (3) For the purpose of settlement proceedings, the Regulator has the same powers of a conciliator contemplated in sub-regulations (2) and (3) of Regulation 8 of POPIA.
- (4) The Regulator must issue a settlement certificate using **Form 10** within a reasonable time after the date of the conclusion of the settlement meeting.
- (5) If no settlement and assurance is secured or if either or both of the parties did not wish to attend a settlement meeting, the Regulator must proceed with the matter as provided for in terms of section 76 of POPIA.

6.8 ASSESSMENTS

- (1) A request for an assessment in terms of section 89(1) of POPIA, must be submitted to the Regulator on Part I of **Form 11**.
- (2) The Regulator must inform the requester on Part II of **Form 11** if it has decided to conduct an assessment on-
 - i its own initiative; or
 - ii as requested in terms of sub-paragraph (i) above.

With a reasonable time from the date that the decision was made.

- (3) The period of assessment will be determined by the Regulator on a case by case basis.
- (4) The Regulator must notify the requester or the Department (if not the requester) of any decision made, or action taken, or view formed on **Form 12** within a

reasonable time from the date that the decision was made or action taken or view formed.

6.9 INFORMING THE PARTIES OF DEVELOPMENTS REGRADING INVESTIGATION

- (1) During the course of the investigation, the Regulator must within a reasonable time from the date of a decision being made or action being taken-
 - (a) Keep the complainant, the data subject (if not the complainant) and the responsible party informed of the developments of the investigation; and
 - (b) Inform the complainant, data subject (if not the complainant) and the responsible party of the result of the investigation.
- (2) The notifications completed in sub-regulation (1) of POPIA Regulations must be served at the designated addresses of the complainant, the data subject and the Department advising-
 - (a) On **Form 13** that an enforcement notice will not be issued in terms of section 94(a) of POPIA;
 - (b) On **Form 14** that the complaint has been referred to the Enforcement Committee in terms of section 92 of POPIA;
 - (c) On **Form 15** that an enforcement notice has been served in terms of section 95 of POPIA;
 - (d) On **Form 16** that an enforcement notice had been cancelled or varied in terms of section 96 of POPIA;
 - (e) On **Form 17** that an appeal lodged against an enforcement notice for cancellation or variation of the notice in terms of section 97 of POPIA;
 - (f) On **Form 18** that an appeal against an enforcement notice has been allowed and that an enforcement notice has been substituted in terms of section 98 of POPIA; or
 - (g) On **Form 19** that an appeal has been dismissed in terms of section 98 of POPIA.

7. NATURE OF SERVICES PROVIDED BY THE DEPARTMENT

The Department provides services to settle disputes and ensure fairness in the workplace. The current Labour Legislation, is the product of extensive consultation with government, labour and employers. The Department facilitates and recognizes Foreign and International laws to ensure that the labour legislations are in line with universally accepted Human Rights Principles.

8. ARRANGEMENT ALLOWING FOR PUBLIC INVOLVEMENT IN FORMULATING POLICY AND EXERCISE OF POWER

- 8.1 Each Branch of the Department has external advisors who are invited to give public comment in the development of policy.
- 8.2 The South African Law Reform Commission calls for public comments on legislation from experts and the general public.
- 8.3 Draft legislation is published in the Government Gazette for perusal and Comment.
- 8.4 Department's Annual Report and other reports are open to public viewing, reading and commentary.

9. AVAILABILITY OF THE MANUAL [Section 14(3)]

In terms of Section 14(2) of PAIA, this Manual must, if necessary be updated annually and shall be posted on the Department's website, www.labour.go.za .

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.*

TO: The Information Officer

(Address)

E-mail address:

--

Fax number:

--

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1"><tr><td></td></tr></table>	
Cellular:				
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center">TYPE OF RECORD</p> <p align="center"><i>(Mark the applicable box with an "X")</i></p>			
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 <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
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

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
[Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (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) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (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)	

Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

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4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

☐

Yes

☐

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: _____
Name of account holder: _____
Type of account: _____
Account number: _____
Branch Code: _____
Reference Nr: _____
Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

Information officer

INTERNAL APPEAL FORM

FORM 4

[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	
GROUND 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 <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>				
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:				Yes
				No
OUTCOME OF APPEAL				
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority