



PAIA MANUAL

**Prepared in terms of section 14 of the
Promotion of Access to Information Act
2 of 2000 (as amended)**

DATE OF COMPILATION: 01/10/2021

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TABLE OF CONTENTS

- 1. LIST OF ACRONYMS AND ABBREVIATIONS**
- 2. PURPOSE OF PAIA MANUAL**
- 3. ACCESS TO INFORMATION GENERAL CONTACTS**
- 4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**
- 5. RECORDS AND CATEGORIES OF RECORDS HELD BY THE DEPARTMENT OF SOCIAL DEVELOPMENT**
- 6. RECORDS OF THE DEPARTMENT OF SOCIAL DEVELOPMENT WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**
- 7. RECORDS OF THE DEPARTMENT OF SOCIAL DEVELOPMENT WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**
- 8. AVAILABILITY OF THE MANUAL**
- 9. UPDATING OF THE MANUAL**

1. LIST OF ACRONYMS AND ABBREVIATIONS

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| 1.1 | “CEO” | Chief Executive Officer; |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO“ | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as amended); |
| 1.6 | “PFMA” | Public Finance Management Act No.1 of 1999 (as amended); |
| 1.7 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.8 | “Regulator” | Information Regulator. |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the nature of the records which may already be available at the Department of Social Development, without the need for submitting a formal PAIA request;
- 2.2 have an understanding of how to make a request for access to a record in the Department of Social Development;
- 2.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 2.4 know all the remedies available to Department of Social Development regarding the request for access to the records, before approaching the Regulator or the Courts;

- 2.5 the description of the services available to members of the public at the Department of Social Development and how to gain access to those services;
- 2.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.7 if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know if the Department of Social Development has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.9 know whether the Department of Social Development has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. ACCESS TO INFORMATION GENERAL CONTACTS

Email: Selwyn.Collins@ecdsd.gov.za

3.1 Provincial Head Office:-

Postal Address: Private Bag X 0039, Bhisho 5605

Physical Address: 5th Floor, Dukumbana, Bhisho

Telephone: 079 881 7044

Email: Selwyn.Collins@ecdsd.gov.za

Website: www.ecdsd.gov.za

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1 The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2 The aforesaid Guide contains the description of-

- i. the objects of PAIA and POPIA;
- ii. the postal and street address, phone and fax number and, if available, electronic mail address of-
 1. the Information Officer of every public body, and
 2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- iii. the manner and form of a request for-
 1. access to a record of a public body contemplated in section 11³; and
 2. access to a record of a private body contemplated in section 50⁴;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- iv. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- v. the assistance available from the Regulator in terms of PAIA and POPIA;
- vi. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 1. an internal appeal;
 - 2. a complaint to the Regulator; and
 - 3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- vii. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- viii. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

- ix. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
 - x. the regulations made in terms of section 92¹¹.
- b. Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-
- i. upon request to the Information Officer;
 - ii. from the website of the Regulator (www.ecdsd.gov.za).

5. RECORDS AND CATEGORIES OF RECORDS HELD BY THE DEPARTMENT OF SOCIAL DEVELOPMENT

Subjects on which the body holds records	Categories of records held on each subject
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.
Human Resources	<ul style="list-style-type: none"> - HR policies and procedures; - Advertised posts; - Employees records; - Learning and development e.g.: skills development and training plans - Employment equity plan and statistics

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

6. RECORDS OF THE DEPARTMENT OF SOCIAL DEVELOPMENT WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category	Document Type	Available on Website	Available upon request
Tender document	<ul style="list-style-type: none"> - Advertised tender - Name of successful bidder 	X	
Legislation /Regulations	<ul style="list-style-type: none"> - Internal policies & Regulations 	X	
Strategic Documents (Plans and Report)	<ul style="list-style-type: none"> - Organisational profile (Overview, Objectives, Functions, Architecture) - Annual Reports; - Strategic Plan; - Annual Performance Plan; - Strategic and Performance Plans; 	X	

7. PROCESSING OF PERSONAL INFORMATION

7.1 Purpose of Processing

The purpose for processing personal information or general information is for the interest of justice to be served where relevant information is needed by the court or the Applicant/ public person.

7.2 Categories of Data Subjects and of the information or categories of information relating thereto:

Categories of Data Subjects	Personal Information that may be Processed
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets
Employees	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person

7.3 Recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

8. AVAILABILITY OF THE MANUAL

- a. A copy of this Manual or the updated version thereof, is also available as follows-
 - i. On www.ecdsd.gov.za
 - ii. at the head office of the Provincial Department of Social Development.
 - iii. to any relevant person, body, entity, organization or legal institution and
 - iv. to the Information Regulator upon request.

9. UPDATING OF THE MANUAL

The Department of Social Development will, if necessary, update and publish this Manual annually.

Issued by:

Mr S Collins



Director: Legal Services – Department of Social Development, EC

On behalf of the Deputy Information Officer, Mr. M Machemba – Head of Department