



# **PAIA MANUAL**

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

**DATE OF REVISION: 01/07/2025**

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## 1. INTRODUCTION

- 1.1 This Manual has been developed in accordance with the Promotion of Access to Information Act, 2000 (PAIA), which is rooted in the constitutional right of access to information.
- 1.2 This fundamental right empowers citizens and promotes transparency and accountability in both government and society.
- 1.3 This Manual therefore serves as a guide for members of the public seeking access to information held by DSD. It aligns with the provisions of PAIA, which grant the public the right to access information held by the state or other public bodies.
- 1.4 The Manual outlines the procedures for accessing information held by DSD. It includes details on lodging a request for access, the designated Information Officer, the functions of each program, and a list of records maintained by DSD.
- 1.5 This Manual is intended to facilitate the public's exercise of their right to access information and promote transparency and accountability within DSD.

## 2. LIST OF ACRONYMS, ABBREVIATIONS AND DEFINITIONS

- 2.1 **“Access Fee”** a fee prescribed for the purpose of Section 22(6) or Section 54(6) of PAIA, as the case may be
- 2.2 **“Court”** means
  - (a) The Constitutional Court acting in terms of Section 167(6)(a) of the Constitution of the Republic of South Africa, 1996; or
  - (b) A High Court or another court of similar status; or
  - (c) A Magistrate’s Court, either generally or in respect of a specified class of decisions in terms of PAIA, designated by the Minister, by notice in the Gazette and presided over by a magistrate or an additional magistrate designated in terms of

section 91A of PAIA, within the area of jurisdiction of the court.

- (aa) the decision of the Information Officer or relevant authority of a public body or the head of a private body has been taken;
- (bb) the public body concerned has its principal place of administration or business; or
- (cc) the requester or third party is domiciled or ordinary resident within the jurisdiction of the court.

|      |                       |  |
|------|-----------------------|--|
| 2.3  | <b>“Data Subject”</b> | the person to whom personal information relates.   |
| 2.4  | <b>“Department”</b>   | The Department of Social Development, Province of the Eastern Cape   |
| 2.5  | <b>“DIO”</b>          | Deputy Information Officer duly appointed by the Information Officer, being the Head of the Department of Social Development, Province of the Eastern Cape at any given time |
| 2.6  | <b>“DSD”</b>          | Department of Social Development   |
| 2.7  | <b>“Guide”</b>        | Information Regulator’s Guide to PAIA  |
| 2.8  | <b>“IO”</b>           | Information Officer, being the Head of the Department of Social Development, Province of the Eastern Cape at any given time  |
| 2.9  | <b>“Manual”</b>       | PAIA Manual of DSD   |
| 2.10 | <b>“MEC”</b>          | Member of the Executive Council responsible for Social Development, Eastern Cape Provincial Government   |
| 2.11 | <b>“Minister”</b>     | Minister of Social Development, National Government  |
| 2.12 | <b>“PAIA”</b>         | Promotion of Access to Information Act No. 2 of 2000 (as amended)  |

- 2.13 **“Person”** Natural or juristic person
- 2.14 **“Personal Information”** Information relating to an identifiable natural person as set out in section 1 of PAIA
- 2.14 **“PFMA”** Public Finance Management Act No. 1 of 1999 (as amended)
- 2.15 **“POPIA”** Protection of Personal Information Act No. 4 of 2013 (as amended)
- 2.16 **“POPIA regulations”** 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)
- 2.17 **“Private Body”** A natural person who carries or has carried on any trade, business or profession, but only in such capacity, a partnership which carries or has carried on any trade, business or profession; any former or existing juristic body, but excludes a public body
- 2.18 **“Public Body”** Any department of state or administration of the National or Provincial sphere of government or any municipality in the local sphere; or any functionary or institution when exercising a power or performing a duty in terms of the Constitution; or exercising a public power or performing a public function in terms of any other
- 2.19 **“Record”** any recorded information–  
(a) regardless of the form or medium  
(b) in the possession or under the control of that public or private body respectively; and  
(c) whether or not it was created by that public or private body
- 2.20 **“Regulator”** Information Regulator

- 2.21 **“Requestor”** Any person making a request for access to a record of that public body or a person acting on behalf of the person making a request for access to a record.

### **3. PURPOSE OF PAIA MANUAL**

3.1 This PAIA Manual provides essential information for members of the public who wish to access records held by the Department of Social Development.

3.2 This PAIA Manual is useful for the public to-

- 3.1.1 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.
- 3.1.2 have an understanding of how to make a request for access to a record in the Department of Social Development.
- 3.1.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access.
- 3.1.4 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.
- 3.1.5 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.
- 3.1.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 3.1.7 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.
- 3.1.8 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
- 3.1.9 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.

### **4. ACCESS TO INFORMATION GENERAL CONTACTS**

4.1 Provincial Head Office: -

|                   |  |
|-------------------|--|
| Postal Address:   | Private Bag X 0039, Bhisho 5605                                    |
| Physical Address: | 1 <sup>st</sup> Floor, One Vision Building, Circular Drive, Bhisho |
| Telephone:        | 082 414 7770 [Mr. M Machemba]                                      |
| Alternative No:   | 079 881 7044 [Mr. S Collins]                                       |
| Email:            | Mzimkhulu.Machemba@ecdsd.gov.za<br>Info.Paia@ecdsd.gov.za          |
| Website:          | <a href="http://www.ecdsd.gov.za">www.ecdsd.gov.za</a>             |

- 4.2 Members of the public are encouraged to submit all PAIA forms and/or all PAIA related matters and/or all POPIA related matters in writing to the email addresses indicated above. This will ensure that your matter is attended to promptly.

## 5. STRATEGIC GOALS AND OBJECTIVES

- 5.1 As DSD, we are committed to transforming our society by building conscious and capable citizens through the provision of integrated social development services ensuring a caring society for the protection and development of the poor and vulnerable.
- 5.2 We envision a caring society for the protection and development of the poor and vulnerable towards a sustainable society.
- 5.3 Our mission is to transform our society by building conscious and capable citizens through the provision of integrated social development services.
- 5.4 We are committed to providing social assistance to individuals and families who are unable to support themselves, as outlined in Section 27(1)(c) of the Constitution.

## 6. STRUCTURE OF THE DEPARTMENT OF SOCIAL DEVELOPMENT

- 6.1 The structure of the Department of Social Development is as follows:

6.1.1 **Provincial Head Office:** Located in Bhisho.



6.1.2 **District Offices:** District Offices are situated in all eight Municipal Districts within the Province.

6.1.3 **Area and Local Service Offices:** Each District Office has a network of Area and Local Service Offices to provide services to the public.

6.2 For the physical addresses of our District, Area, and Local Service Offices, please visit our website at [www.ecdsd.gov.za](http://www.ecdsd.gov.za)

## 7. FUNCTIONS OF THE DEPARTMENT OF SOCIAL DEVELOPMENT

7.1 The Department of Social Development is a provincial government department established in terms of the Constitution of the Republic of South Africa, 1996 ("Constitution") and schedule 3 of the Public Service Act (Proc. No. 103 of 1994), as amended.

7.2 The primary legislative mandate of the Department is derived from the Constitution.

7.3 The Department is structured into 5 (five) programmes, namely:

7.3.1 Programme 1: Administration: -

- The purpose of programme 1 is to provide policy guidance and administrative support on strategic imperatives mandated by the constitution. It consists of the Office of the MEC, Office of the HOD, Corporate Management Services and District Management.

7.3.2 Programme 2: Developmental Welfare Services: -

- The purpose of programme 2 is to provide integrated Developmental Social Services to the poor and vulnerable in partnership with stakeholders and civil society organisations.

7.3.3 Programme 3: Children and Families: -

- The purpose of programme 3 is to provide comprehensive child and family care and support services to communities in partnership with stakeholders and civil society organisations.

7.3.4 Programme 4: Restorative Services: -

- \* The purpose of programme 4 is to provide integrated developmental social crime prevention, anti-substance abuse services and victim empowerment and support services to the most vulnerable in partnership with stakeholders and civil society organisations.

### 7.3.5 Programme 5: Research and Development: -

- \* The purpose of programme 5 is to provide sustainable development programmes which facilitate empowerment of communities based on demographic and evidence-based information.

7.4 For more detailed information on each programme including sub-programmes, please visit our website: [www.ecdsd.gov.za](http://www.ecdsd.gov.za)

## 8. INFORMATION REGULATOR GUIDES

8.1 The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use the 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.

8.2 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 PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
- iii. the manner and form of a request for-
  1. access to a record of a public body contemplated in section 11<sup>3</sup>; and
  2. access to a record of a private body contemplated in section 50<sup>4</sup>;

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<sup>1</sup> 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.*

<sup>2</sup> 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.*

<sup>3</sup> 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.*

<sup>4</sup> 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 14<sup>5</sup> and 51<sup>6</sup> 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 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively.
- ix. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and

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<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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

<sup>8</sup> 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

<sup>9</sup> 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.

<sup>10</sup> 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.

- x. the regulations made in terms of section 92<sup>11</sup>.

8.3 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-

- 8.3.1 upon request to the Information Officer.
- 8.3.2 from the website of the Regulator ([www.inforegulator.org.za](http://www.inforegulator.org.za)).
- 8.3.3 From the website of DSD ([www.ecdsd.gov.za](http://www.ecdsd.gov.za))
- 8.3.4 Upon request at the Department's Head Office in Bhisho

8.4 Members of the public can also contact the Information Regulator directly on Tel No: 010 – 023 5200 and/or email: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)

## 9 HOW TO MAKE A REQUEST FOR INFORMATION

### 9.1 The Procedure

- 9.1.1 A requester must fill out **Form 2** attached as **Appendix A** and submit it, duly completed, to the Information Officer at the address provided in paragraph 4 above to enable a response to the requester.
- 9.1.2 The Information Officer must assist a requester if a requester needs assistance with the process or with completing the forms, including illiterate or disabled requesters.
- 9.1.3 The form submitted to the Information Officer must contain all relevant information to enable the Information Officer to identify the specific information requested.
- 9.1.4 The requester must also indicate whether he/she wants to secure a copy of the record, to peruse the record at the office of the Department or alternatively, to secure the record in another form in which it exists.
- 9.1.5 The request must not be for records which are subject to the refusal grounds as provided for under Chapter 4 of PAIA.

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<sup>11</sup> 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.”

- 9.1.6 If, for practical reasons, access cannot be given in a required form but in another form, the fee must be calculated according to the way that the requester first asked for it.
- 9.1.7 The requester must indicate how he or she wishes to be informed of the decision by the Information Officer regarding the request for information in a particular manner (i.e. post or electronic mail) and must therefore provide the necessary details to be so informed. Please see important notes in respect of use of postal communication in paragraph 4 above as it is critical to the receipt and processing of the requests.
- 9.1.8 If a requester asks for the information on behalf of somebody else, the capacity and proof of authority and/or special power of attorney in which the request is being made must be indicated to the reasonable satisfaction of the Information Officer, and such mandate should be in writing and duly signed.
- 9.1.9 The Information Officer must decide within 30 days after receiving a request and notify the requester of the decision.
- 9.1.10 The Information Officer may extend the period of 30 days once for a further period of not more than 30 days. DSD must notify the requester of such extension and the reasons, therefore.

## **9.2 The required attachments:**

- 9.2.1 Completed **Form 2 (Appendix A)**.
- 9.2.2 If the request is made on behalf of another person or juristic person, then proof of the capacity in which the requester is making the request, must be attached to Form 2. See 9.18 above.
- 9.2.3 Certified copy of identification of the requester.
- 9.2.4 A requester must be given access to records of the Department if that request complies with **all the procedural requirements**, if access to that record is not refused on any of the grounds as provided in Chapter 4 of PAIA.
- 9.2.5 Proof of payment of the required fees.

## **9.3 Fees**

- 9.3.1 A non-refundable request fee of **R100.00** (or as may be amended from time to time by way of written notice) is payable in respect of each request for

access to information or internal appeal submitted to the Information Officer.

- 9.3.2 When the Department receives a request, the requester must be notified, using **Form 3 (Appendix B)** whether the request is being granted or not and if the request is granted, the requester must be notified to pay the prescribed access fee deposit (if any) as set out in **Appendix C**, before further processing the request.
- 9.3.3 Exemption from paying fees may be granted in respect of requesters who meet the criteria for exemption as determined by PAIA. Please note that this exemption does not apply in respect of persons that are legally represented, even in circumstances where contingency fee agreements have been entered into by the requester and his/her legal representation.
- 9.3.4 Access to a copy of the records will be withheld until all the applicable fees have been paid in full.
- 9.3.5 A requester who is dissatisfied with the fees charged may lodge an internal appeal against such decision, as set out in paragraph 10.1 below.
- 9.3.6 Fees must be paid into the Department's bank account. The deposit must be correctly referenced, and proof of each payment must be submitted to DSD.

9.4 The bank details for the payment of PAIA fees are as follows:

**ABSA BANK**

**Account Name: DEPARTMENT OF SOCIAL DEVELOPMENT**

**Account Number: 41-0021-5098**

**Branch Name: ABS EC PUBL SECTOR**

**Branch Code: 632005**

**Reference number: PAIA (Initial & Surname for e.g. B Dlamini)**

## **10 REMEDIES AVAILABLE**

### **10.1 Internal appeal**

- 10.1.1 Where a requester is dissatisfied with the outcome of a request for access to information, the requester may lodge an internal appeal against the

decision of the Information Officer by completing and delivering Form 4 (Appendix D) within 60 days to the Information Officer.

10.1.2 An internal appeal may be lodged against any one of the following decisions of the Information Officer:

- i. Refusing a request for access.
- ii. Fees charged.
- iii. Extension of the period to deal with a request.
- iv. Access in a particular form.

10.1.3 The requester must pay the prescribed internal appeal fee (where applicable) when lodging the appeal.

10.1.4 The decision on the internal appeal may, however, be deferred until the fee is paid.

10.1.5 As soon as reasonably possible, but within 10 working days after receipt of an internal appeal, the Information Officer must submit the internal appeal to the MEC.

10.1.6 The MEC must decide on the internal appeal within 30 days after the internal appeal was delivered to the Information Officer.

## 10.2 Complaint to the Information Regulator

10.2.1 A requester may submit a complaint to the Information Regulator by duly completing and delivering **Form 5 (Appendix E)**, but only after the requester exhausted the internal appeal procedure against a decision of the Information Officer of DSD.

## 10.3 Approach Court

10.3.1 Although the Department recommends that requesters try to resolve disputes about access to information without approaching the courts, a requester may, if still aggrieved, approach a court after the internal appeal process.

# 11. 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    | Strategic Plans,<br>Annual Performance Plans.<br>Operational Plans,<br>Service Delivery Improvement Plans,<br>Annual Reports,<br>Policy Speeches.<br>State of the Province Addresses  |
| Human Resources                          | HR policies and procedures<br>Advertised posts<br>Employees records<br>Learning and development e.g.: skills development and training plans<br>Employment Equity Plan and Statistics<br>Newsletters<br>Corporate Information<br>Media Statements<br>Speeches<br>Wellness Flyers and Posters<br>Anti-fraud and Corruption Communications<br>Booklets<br><br>Video footage of official events where available |
| Finance Documents                        | Financial Statements<br>Audit Reports<br>Budgets<br>Supply Chain Management documents which include bid specifications, bid advertisements, bid registers, bid submissions, bid evaluation reports, bid adjudication reports, letters of appointment, letters to unsuccessful bidders, and asset management records.  |



| Subjects on which the body holds records | Categories of records held on each subject  |
|--|---|
| Operational Documents                    | Policy and Procedure Documents<br>Communications and Records pertaining to DSRAC's Operations |

## 12. 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 |
|---------------------|--|----------------------|------------------------|
| Strategic Documents | Organisational profile<br>Annual Reports<br>Strategic Plan<br>Annual Performance Plan<br>Strategic and Performance Plans | X                    |                        |
| Legislation         | Constitution of the Republic of South Africa, 1996<br>Legislation specific to DSD  | X                    |                        |
| General Information | Profile of MEC<br>Profile of the HoD<br>DSD Mandate<br>Coat of Arms  | X                    |                        |
| News                | Newsletters and publications<br>Posters and banners<br>Booklets and pamphlets<br>Official Events and activities          | X                    |                        |
| General Information | Profile of MEC<br>Profile of the HoD<br>DSRAC Mandate<br>Coat of Arms  | X                    |                        |

| Category    | Document Type                     | Available on Website | Available upon request |
|-------------|-----------------------------------|----------------------|------------------------|
|             |                                   |                      |                        |
| Procurement | Bid Documentation for Tenders     | X                    |                        |
| Careers     | Internship and Training Vacancies | X                    |                        |

### 13. PROCESSING OF PERSONAL INFORMATION

#### 13.1 Purpose of Processing:

DSD processes personal information related to the functions and activities of the Department which are set out in paragraph 7 above.

#### 13.2 Description:

A description of the categories of data subjects and of the information or categories of information relating thereto is set out in the table below:

| 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 |

| <b>Categories of Data Subjects</b> | <b>Personal Information that may be Processed</b>   |
|------------------------------------|---|
|                                    | 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 |

### 13.3. Recipients:

| <b>Category of personal information</b>            | <b>Recipients or Categories of Recipients</b>   |
|--|---|
| Identity number and names, for criminal checks     | South African Police Services   |
| Identity number/s, names and addresses             | National Department of Social Development<br>Foster Care, Adoption  |
| Identity number/s, names and addresses             | Tenders, Bid Documents submitted  |
| Identity number/s, names and addresses             | Litigation proceedings against or for the State through the State Attorney Office   |
| Identity number/s, names and addresses             | Department of International Relations<br>Foster Care, Adoption  |
| Identity number/s, names and addresses             | Department of Justice / Correctional Services<br>Juvenile Offenders   |
| Identity number/s, names and addresses             | South African Social Security Agency recipients   |
| Qualifications, qualification verifications        | South African Qualifications Authority  |
| Credit and payment history, for credit information | Credit Bureaus  |
| Identity numbers, names, and addresses             | Suppliers and service providers (including legal representatives in litigation matters) with whom DSD has a contractual relationship to have access to personal information |

| Category of personal information | Recipients or Categories of Recipients  |
|----------------------------------|---|
| Medical information              | Legal representatives acting on behalf of the DSD                                 |
| Employee information             | Banks and other financial institutions, pension fund administrators, trade unions |

#### 13.4 Transborder flow:

13.4.1 DSD has not planned for any transborder flow of personal information. Should it, however, become necessary to transfer personal information to another country for any lawful purposes, DSD will ensure that anyone to whom it passes personal information is subject to a law, binding corporate rules or a 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 DSD is obliged to under POPIA.

13.4.2. Any transborder flow of personal information shall be with the data subject's consent or if the transfer is necessary for the conclusion or performance of a contract concluded between DSD and a third party in the interest of the data subject. However, should it not be reasonably practicable to obtain the data subject's consent, DSD shall transfer the personal information if the transfer will be for the data subject's benefit and the data subject would have given consent should it have been reasonably practicable to obtain such consent.

#### 13.5 Information Security Measures

13.5.1 DSD continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking measures to prevent:

13.5.1.1 loss of, damage to or unauthorised destruction of personal information; and

13.5.1.2 unlawful access to or processing of personal information.

13.5.2 DSD has taken reasonable measures, to:

13.5.2.1. identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control.

13.5.2.2. establish and maintain appropriate safeguards against the

risks identified.

13.5.2.3. regularly verify that the safeguards are effectively implemented;  
and

13.5.2.4. ensure that the safeguards are continually updated in response to  
new risks or deficiencies in previously implemented safeguards.

13.5.3. Measures taken by DSD include:

13.5.3.1. Access Control

13.5.3.2. Data Encryption

13.5.3.3. Defensive Measures

13.5.3.4. Robust Monitoring, Auditing and Reporting Capabilities

13.5.3.5. Data Backups

13.5.3.6. Anti-virus and Anti-malware Solutions

13.5.3.7. Awareness and Vigilance, and

13.5.3.8. Agreements concluded with Operators to implement security  
controls.

#### **14. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY DSRAC**

14.1 DSD is part of the executive arm of the Provincial Government of the  
Eastern Cape.

14.2 Where policy formulation will result in legislation, DSD solicits public  
comment on the policy by publication in the Provincial Gazette for  
public comment and may also facilitate the holding of public hearings.

14.3 Members of the public may furthermore indirectly influence policy formulation by  
communicating with their elected representatives and attending sessions of the  
Provincial Legislature.

#### **15. AVAILABILITY OF THE MANUAL**

15.1 A copy of this Manual or the updated version thereof, is also available as follows-

- i. on the DSD website: [www.ecdsd.gov.za](http://www.ecdsd.gov.za)
- ii. at the head office of the Provincial Department of Social Development in Bhisho.
- iii. at the District, Area and Local Service Offices.
- iv. to any relevant person, body, entity, organization or legal institution and
- v. to the Information Regulator upon request.

## 16. UPDATING OF THE MANUAL

- 15.1 The Department of Social Development will after an internal review, update and re-publish this Manual where circumstances dictate.

Issued by:

**Mr M A Machemba**



**HEAD OF DEPARTMENT**

**Department of Social Development, EC**

**INFORMATION OFFICER**