



**ENERGY AND WATER SECTOR
EDUCATION AND TRAINING AUTHORITY**

EWSETA PAIA Manual





MANUAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

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All Employees of EWSETA and all stakeholders must adhere to all policies of the organisation. Breach of any policy of EWSETA will subject transgressor to disciplinary action in accordance with the disciplinary code.



APPROVAL PROCESS

The approval process ensures that the correct process is adhered to and indicates the status of the document.

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| Signature | |
| Date | 05 November 2021 |

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| Date | 05 November 2021 |

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| Date | |

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| Date | 11 November 2021 |



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1. PURPOSE

The purpose of this document is to serve as the Manual for the Energy and Water Sector Education Training Authority (“EWSETA”) from time to time as required in terms of the Promotion of Access to Information Act, 2000 (“Act”) and provide a reference as to the records held and the procedures that need to be followed to request access to such records.

2. INTRODUCTION

This is EWSETA’s Manual in terms of the Promotion of Access to Information Act, 2000. Through this Manual, EWSETA intends to make qualifying information available to the public. Other information may be under confidentiality and privacy limitations, in accordance with existing legislation such as the Protection of Personal Information Act, 2013. To this end, this Manual must be read with Protection of Personal Information Act, 2013 and the Constitution of the Republic of South Africa, 1996, together with any other guidelines that are available on the South African Human Rights Commission’s website, <http://www.sahrc.org.za>.

3. COMPANY CONTACT DETAILS: Section 51(1)(a)

| | |
|-------------------------|--|
| NAME | Candice Moodley |
| TITLE | Information Officer |
| EMAIL ADDRESS | privacy@ewseta.org.za |
| CONTACT NUMBER | 011 274 4700 |
| POSTAL ADDRESS | EWSETA, Sunnyside Office Park,32 Princess of Wales Terrace, Parktown, Johannesburg, South Africa |
| PHYSICAL ADDRESS | EWSETA, Sunnyside Office Park,32 Princess of Wales Terrace, Parktown, Johannesburg, South Africa |

4. THE ACT: Section 51 (1)(b)

Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of this Manual. Requesters are referred to the Guide in terms of Section 10 of the Act which has been compiled by the South African



Human Rights Commission (“SAHRC”), which contains information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC or at their website at <http://www.sahrc.org.za/>. The contact details of the SAHRC are:

The South African Human Rights Commission

Braampark Forum 3

33 Hoofd Street

Braamfontein, Johannesburg

Postal Address Private Bag X2700 Houghton, 2041

Telephone +27 11 877 3600

Fax +27 11 403 0668

Website address www.sahrc.org.za

5. SCHEDULE OF RECORDS AVAILABLE: Section 51(1)(d)

The following categories of records are automatically available without a person having to request access in terms of this Act:

5.1 SKILLS DEVELOPMENT

| STRATEGIC PLANS | RESEARCH | SKILLS PLANNING | MANDATORY GRANTS |
|-----------------------------------|-----------------------|---------------------|-----------------------|
| STRATEGIC Plan 2015-2020 | Sectoral Research | Sector Skills Plan | Workplace Skills Plan |
| Annual Performance Plan 2020-2021 | Research Partnerships | Pivotal Skills List | Inter-SETA Transfers |

5.2 SUPPLY CHAIN

Information on available tenders, awarded tenders, available RFQs and archived RFQs can be obtained from <https://ewseta.org.za/#>.

6. FORM OF REQUEST: Section 51 (1)(e)

To facilitate the processing of your request, kindly:

- 6.1 Use the prescribed form (Form C – when a request is made to a private body or business), available on the website of the SAHRC at www.sahrc.org.za.
- 6.2 Address your request to **EWSETA, Sunnyside Office Park, 32 Princess of Wales Terrace, Parktown, Johannesburg, South Africa**, privacy@ewseta.org.za
- 6.3 Provide sufficient details to enable the Company to identify:
 - (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required:
 - i. The postal address, email address or fax number of the requester in the Republic;
 - ii. If the requester wishes to be informed of the decision in any manner (in addition to written) and the manner and particulars thereof;

(d) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right. Any request for access to records should be submitted on the prescribed form C (a copy of which is attached) which should be sent to EWSETA Information Officer whose name and address details appear in paragraph 2 hereof.

7. PRESCRIBED FEES AND PROCEDURE: Section 51 (1)(f)

The following applies to requests (other than a personal requester):

- 7.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.
- 7.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- 7.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 7.4 Records may be withheld until the fees have been paid.
- 7.5 The fee structure is available on the website of the South African Human Rights Commission (SAHRC) at www.sahrc.org.za.

Please note that the correct completion and submission of a Request for Access form does not automatically entitle or allow the applicant access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a category as specified in Part 3 Chapter 4 of the Act.

Please further note that if it is reasonably suspected that an applicant has obtained access to a record based on the submission of materially incorrect, false or misleading information, legal proceedings may

be instituted against such applicant. In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and which will be calculated based on the fee prescribed under the Act, an extract of the details of which is attached at the end of this manual.

8. COMPLETION OF REQUEST FOR ACCESS FORM

8.1 Compliance Requirements

8.1.1 Subject to the provisions of the Act, access to records requested from EWSETA will only be given if:

- All the procedural requirements set out in the PAIA relating to a request are met; and
- Access to the requested record/s is not refused in terms of any grounds for refusal set out in the Act.

8.2 Request Application Process

The following steps are to be following when making an application for access to a record:

STEP 1: THE REQUEST

Should a person wish for access to information held by EWSETA, the request form (Annexure 1) must be completed and submitted to the DIO (details may be obtained from EWSETA's PAIA Manual). The requester must also indicate if they would like a copy of the record or if they would like to inspect the record at EWSETA's premises.

The DIO must assist the requester with the request for access to ensure that the request complies with the requirements of the Act. The DIO may not refuse the request if it is not fully or correctly completed.

The DIO will notify the requester by means of a Notice of Procedural Deficiency of his or her intention to refuse the request. In such an event, the requester may then provide more detailed information regarding to the request.



As required by the Act, an amount of R35.00 must accompany the request for information if it is not from a personal requester.

STEP 2: VALIDATION AND ACKNOWLEDGEMENT

The DIO receives and validates the request to ensure that the required information is available within EWSETA. The request is then accepted, rejected or transferred to the relevant division of the required information. A request for access will be granted unless it may be deferred or may be refused on the basis of grounds for refusal, mentioned in Chapter 4 of Part 2 of the Act.

A request for access will be granted unless it may be deferred or may be refused on the basis of grounds for refusal, mentioned in Chapter 4 of Part 2 of the Act.

A notification will also be issued to inform the requester of: a request fee (if payable); the status of the request as well as issue the requester with a request number.

STEP 3: INFORMATION PROCESSING

If the request is granted, EWSETA will gather and prepare the information and calculate the relevant costs involved.

STEP 4: FINAL NOTIFICATION

The requester will be informed of the completion of the request as well as the outstanding fees payable to EWSETA.

STEP 5: PAYMENT AND DELIVERY

Once the payment (as stipulated in Step 4) has been received (including payment process in Step 1), the information will be released to the requester.

8.3. General Information

Requests for access to records held by EWSETA in its capacity as a public body must only be made on the request form as prescribed by the Act, a copy of which is attached as Annexure 1. The form is available in PDF format (for hand written requests) on the EWSETA website.

The regulations and Section 18 of the Act require the requester to furnish the following information:

- Particulars of the person requesting access to the records;
- The form or manner of access sought as prescribed by section 29;
- The particulars of the record which access is requested;
- Contact information of the requester(postal address/fax number/email address);
- Language specifications for the requested record;
- If the requester is asking for information on behalf of someone else, the capacity in which the request is being made should be indicated;
- Should the requester wish to be notified of the decision in any way, in addition to a written notification, for example by telephone, this must be indicated; and
- An indication as to how the requester wishes to be notified of the decision regarding the request for access to the record(s) concerned.



Requesters who cannot read or write may make oral requests to the DIO who must fill in the request form for the requester and furnish the requester with a copy;

EWSETA will endeavour to give access in the form requested unless this would interfere with the smooth operations of EWSETA. EWSETA will also give consideration to the preservation of records and the infringement of copyright when processing is required. Access fees will be calculated according to the manner in which the requester originally asked for the record (Section 29(3) and (4)).

The requester must pay the prescribed fee before any processing may take place.

8.3.1 Decision on request

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that the application is refused, the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a Court against the refusal of the application, as well as the procedure (including the period) for lodging such application.

9. GROUNDS FOR REFUSAL

EWSETA may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which EWSETA may refuse include:

- 9.1 Protecting personal information that EWSETA hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- 9.2 Protecting commercial information that EWSETA holds about a third party or EWSETA (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of EWSETA or the third party);
- 9.3 If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- 9.4 If disclosure of the record would endanger the life or physical safety of an individual;



- 9.5 If disclosure of the record would prejudice or impair the security of property or means of transport;
- 9.6 If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- 9.7 If disclosure of the record would prejudice or impair the protection of the safety of the public;
- 9.8 The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- 9.9 Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of EWSETA;
- 9.10 Disclosure of the record would put EWSETA at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- 9.11 The record is a computer programme; and/or
- 9.12 The record contains information about research being carried out or about to be carried out on behalf of a third party of EWSETA.
- 9.13 Records that cannot be found or do not exist if EWSETA has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try and locate the record.

10. THIRD PARTY INFORMATION

If access is requested to a record that contains information about a third party, EWSETA is obliged to attempt to contact the third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event of the third-party furnishing reasons for the support or denial of access, our designated EWSETA Information Officer will consider these reasons in determining whether access should be granted, or not.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form: copy of record* inspection of record

2. If record consists of visual images this includes photographs, slides, video recordings, computer generated images, sketches, etc.)

3. If record consists of recorded words or information which can be reproduced in sound: listen to the soundtrack

audio cassette

transcription of soundtrack*

written or printed document

4. If record is held on computer or in an electronic or machine-readable form:

printed copy of record* printed copy of information derived from the record"

copy in computer readable form* (stiffy or compact disc)

'If you requested a copy or transcription of a record (above), do you wish

the copy or transcription to be posted to you?

G. Particulars of right to be exercised or protected If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

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



H. Notice of decision regarding request for access

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

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

Signed at..... this..... day of 20.....

SIGNATURE OF REQUESTER / PERSON ON

WHOSE BEHALF REQUEST IS MADE



Annexure 1

Formal Request Form for Documents not automatically available

Form A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number:

Request received by

name and surname of information officer/deputy information officer on

(date) at

(place)

Request fee (if any): R.....

Deposit (if any): R

Access fee: R.....

.....Signature of information officer/deputy Information Officer

A Particulars of public body

The Information Officer/Deputy Information Officer:

B Particulars of person requesting access to the record.

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

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

C. Particulars of person on whose behalf request is made

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

Names and Surname:

Identity number:

D. Particulars of record

(a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*

(b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form.*

The requester must sign all the *additional* folios.

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

E. Fees

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

(b) *You will be notified of the amount required to be paid as the request fee.*

(c) *The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*

(d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

F. Form of access to record

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

| <u>Disability:</u> | Form in which record is required: |
|--|---|
| Mark the appropriate box with an X. NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested. | |
| 1. If the record is in written or printed form: | |
| <input type="checkbox"/> copy of record* | <input type="checkbox"/> inspection of record |
| 2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc: | |
| <input type="checkbox"/> view the images | <input type="checkbox"/> copy of the images* <input type="checkbox"/> transcription of the images* |
| 3. If record consists of recorded words or information which can be reproduced in sound: | |
| <input type="checkbox"/> listen to the soundtrack. (audio cassette) | <input type="checkbox"/> transcription of soundtrack* (Written or printed document) |
| 4. If record is held on computer or in an electronic or machine-readable form: | |

| | | | |
|---|-------------------------------------|--|---|
| | printed copy of record ¹ | printed copy of information. derived from the record* | copy in computer readable form* (stiffy or compact disc) |
| *If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable. | | | YES |
| Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available. | | | NO |
| In which language would you prefer the record? | | | |

G. Notice of decision regarding request for access

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

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

Signed at thisday of.....20

SIGNATURE OF REQUESTER/

PERSON ON WHOSE BEHALF REQUEST IS MADE