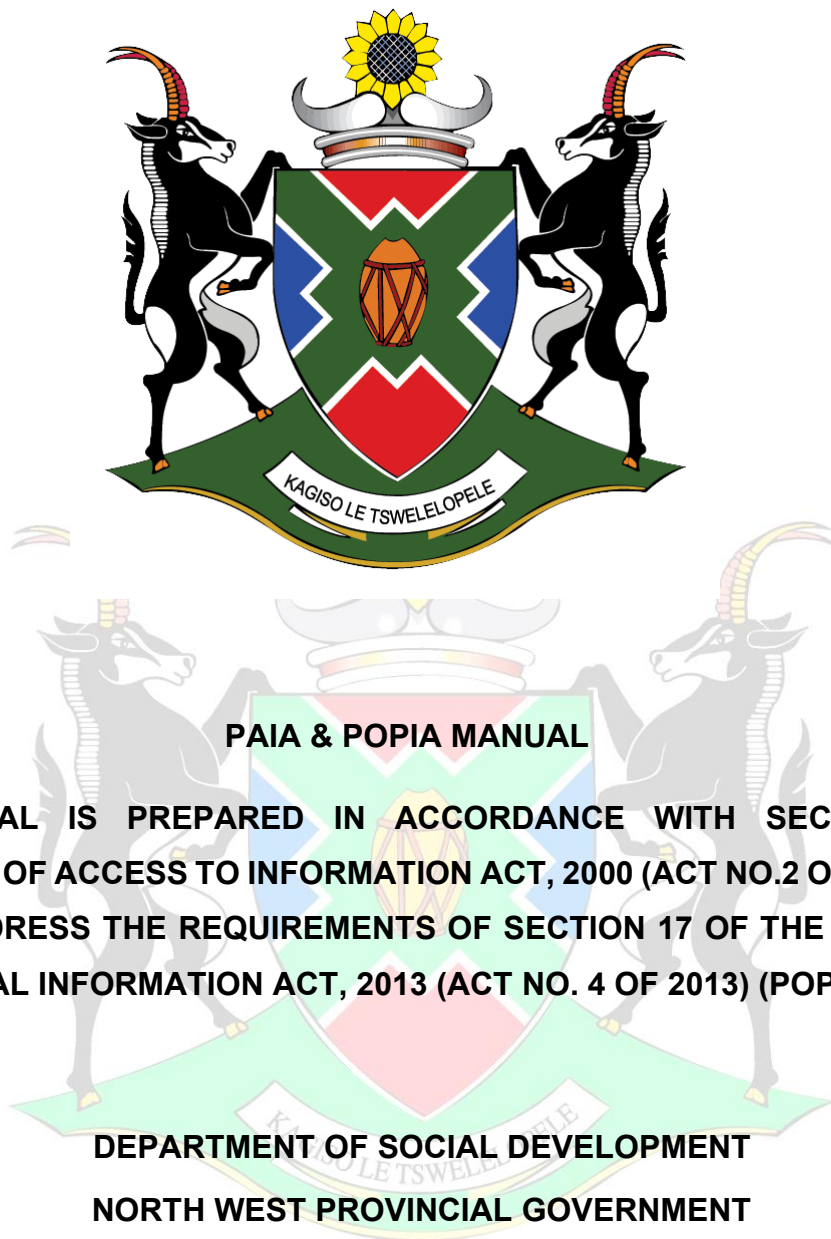




PAIA & POPIA MANUAL

THIS MANUAL IS PREPARED IN ACCORDANCE WITH SECTION 14 OF PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO.2 OF 2000) (PAIA) AND TO ADDRESS THE REQUIREMENTS OF SECTION 17 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) (POPIA)

**DEPARTMENT OF SOCIAL DEVELOPMENT
NORTH WEST PROVINCIAL GOVERNMENT**

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1. INTRODUCTION

- Section 32(1)(a) of the Constitution of the Republic of South Africa, 1996 (the Constitution), provides that everyone has the right of access to any information held by the state and section 32(2) thereof provides for the enactment of national legislation to give effect to this fundamental right.
- Promotion of Access to Information Act, 200 (PAIA) is the national legislation contemplated in section 32(2) of the Constitution.
- Section 9 of PAIA recognizes that the right to access information is subject to certain justifiable limitations aimed at, amongst others:
 - the reasonable protection of privacy,
 - commercial confidentiality, and
 - effective, efficient and good governance
- Section 14(1) of PAIA stipulates that the Information Officer of the Public Body must compile a manual in at least three official languages for public consumption. Should there be a conflict or inconsistency between English version and the other language(s), the English language text of the manual shall prevail
- Section 52(2) of POPIA requires the department to appoint and register its information office with the regulator before taking up his/her duties in terms of POPIA.
- The purpose of the manual is to inform the public about the records held by the Public Body and how to obtain access to them and further incorporates or addresses the requirements of the Protection of Personal Information Act, 2013 (“POPIA”).
- The Department of Social Development is a Public Body in terms of PAIA and hereby presents the Manual in terms of Section 14.

2. DEFINITIONS

“Access fee” means a fee prescribed for the purposes of reproduction and for search and preparation, for time reasonable required in excess of the hours prescribed to search for and to prepare the record for disclosure,

“Department” means Social Development,

“Data subject” the person to whom the information relates.

“Information Officer” in relation to the Department, means the Head of Department,

“Deputy Information Officer” means an official duly authorized by the Information Officer (Director Information, records and Knowledge Management) to ensure that the requirements of PAIA and POPIA are administrated in a fair, objective and unbiased manner,

“Guide” means the book produced by the Human Rights Commission in terms of section 10 of PAIA,

“Human Rights Commission” means the South African Human Rights Commission established in terms of section 181 to promote and protect human rights,

“Official” in relation to a public body means,

- (a) any person in the employ (permanent or temporary and full time or part time) in the public body, including the head of the body, in his or her capacity as such.
- (b) a member of the public body, in his or her capacity as such

“PAIA” means the Promotion of Access to Information Act, 2000 (Act 2 of 2000)

“Person” means a natural or juristic person,

“Personal information” means information about an identifiable individual, as more fully described under definition in the PAIA,

“Personal requester” means of requester access to record containing personal information about the requester,

“POPIA” means the Protection of Personal Information Act, 2013 (Act 4 of 2013)

“POPIA 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)

“Public body” means –

- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government, or
- (b) any other functionary or institution when –
 - (i) Exercising power or performing a duty in terms of the Constitution or a provincial Constitution, or,
 - (ii) Exercising public power or performing a public function in terms of any legislation.

“Responsible party” the person who determines why and how to process personal information.

“Record” of, or in relation to, a public body, means any recorded information –

- (a) regardless of form or medium,
- (b) in the possession or under the control of that public body, and
- (c) whether or not it was created by that public body

“Regulations in terms of PAIA” means regulations published in the Government Notice No. 187 of 15 February 2002 (Government Gazette No. 23119), as amended by Government Notice No. 1244 of 22 September 2003 (Government Gazette No. 25411).

“Relevant authority”, in relation to the provincial sphere of government, means –

- (a) in the case of the Office of the Premier, the person designated in writing by the Premier, or
- (b) in any other case, the Member of the Executive Council responsible for that public body or the person designated in writing by that Member, or

- (c) in the case of a municipality, relevant authority means, the mayor, speaker or any other person designated in writing by the Municipal Council of that municipality.

“Request for access” in relation to a public body, means a request for access to a record of a public body in terms of section 11.

“Requester” in relation to a public body means –

- (a) any person (other than departments in the spheres of government or an institution exercising power or performing a duty in terms of the (Constitution) making a request for access to a record of that public body, or
- (b) a person acting on behalf of the person referred to in (a) above.

“Third party” in relation to a request for access to a record of a public body, means, any person (including, but not limited to, the government of a foreign state, an international organization or an organ of that government or organization) other than the requester concerned and a public body.

“Working days” means any days other than Saturdays, Sundays and public holidays, as defined in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994).

3. DEPARTMENTAL MANDATE

- The mandate and core business of the department is underpinned by the Constitution and all other relevant legislation and policies applicable to government and the Executive Council Resolutions. The other main legislation from which the mandate of the Department is derived from is the Protection of Personal Information Act, 2013 (“POPIA”), Public Service Act, 1994, (Proclamation No: 103 of 1994), Older Persons Act No 13 (2006), Children’s Act No 38 of 2005, Non-Profit Organisation Act No 71 (1997), Domestic Violence Act No 116 (1998) and Social Assistance Act No 59 (1992).

4. VISION

A united, non-racial, non-sexist, democratic and prosperous society

5. MISSION

To create a caring and self-reliant society by building conscious and capable citizens through the provision of integrated social development services

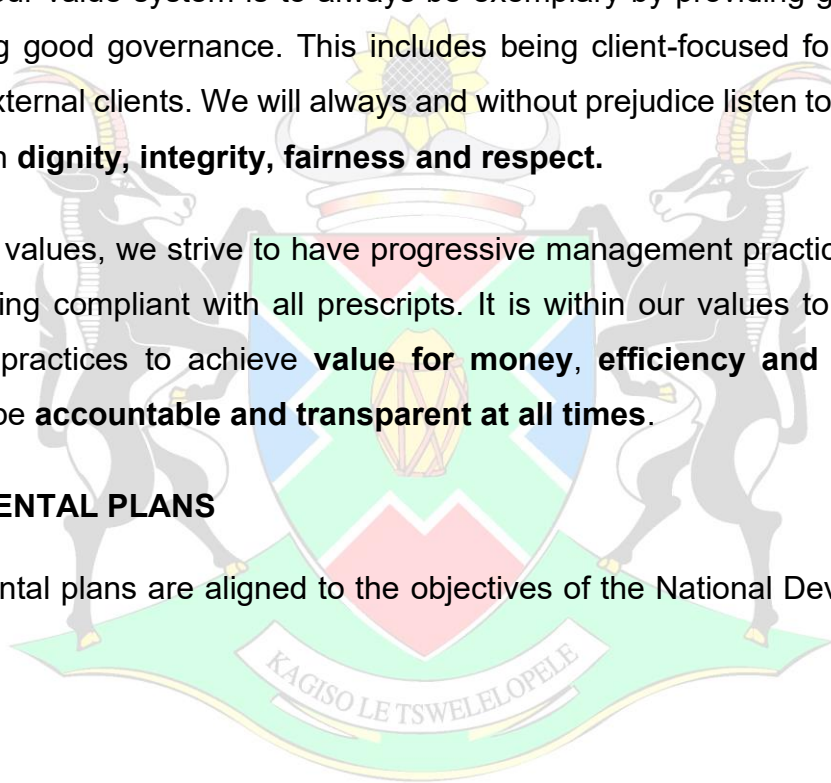
6. DEPARTMENTAL CORE VALUES

Enshrined in our value system is to always be exemplary by providing good leadership and espousing good governance. This includes being client-focused for the benefit of internal and external clients. We will always and without prejudice listen to our clients and treat them with **dignity, integrity, fairness and respect.**

As part of our values, we strive to have progressive management practices while at the same time being compliant with all prescripts. It is within our values to pursue quality management practices to achieve **value for money, efficiency and effectiveness.** Thus, we will be **accountable and transparent at all times.**

7. DEPARTMENTAL PLANS

The departmental plans are aligned to the objectives of the National Development Plan (NDP).



8. DEPARTMENTAL STRUCTURE AND FUNCTIONS

Programme 1	Purpose
Administration	Provision of strategic leadership, management & support to the department
Sub-Programme	Purpose
MEC Support	To Provide political oversight of the department
HOD Support	To Provide overall administrative management of the department
Risk management	To manage & facilitate the provision of organizational risk management services
Strategic Planning, policy, Research, Monitoring & Evaluation	To provide strategic planning and policy development
Government Information & Technology Services	To provide government information & technology services
Service Delivery & Transformation Programmes	To manage & coordinate the implementation of service delivery & transformation programmes
Human Capital Management	To provide human capital management services
Legal Services	To manage the provision of legal services
Support Services	To manage & provide support services
Media and Communication Services	To manage media & communication services in the department
Internal Control & Compliance	To manage internal controls in the department
Financial Administration & Accounting	To provide departmental financial administration & accounting

Financial Planning, Budgeting, Monitoring & Reporting	To manage & coordinate financial planning, monitoring & reporting process
Supply Chain Management	To manage & provide supply chain management services
Infrastructure Development	To manage infrastructure planning & management of assets

Programme 2	Purpose
Social Welfare Services	Provide social welfare services to vulnerable groups through social protection, social investment & social cohesion programmes
Sub-programme	
Services to Older Persons	To manage and facilitate the provision of services to older persons
Services to persons with disabilities	To manage and facilitate the provision of services to people with disabilities
HIV & AIDS	To manage the provision of HIV & AIDS prevention, care & support services
Social Distress Relieve	To ensure the implementation of the social relief of distress programmes

Programme 3	Purpose
Children & Families	Provide social welfare services to vulnerable groups through social protection, social investment & social cohesion programmes
Sub-Programme	
Family Care & Support Services	To manage the provision of family care & support services
Child Care & Protection Services	To manage the provision of child care & protection services

Child & Youth Care Services	To protect and nurture children by providing a safe, healthy environment with positive support
Community Based Services	Improve well-being and sustainable lives for children
Partial Care & Early Childhood Development Services	To manage the provision of early childhood development service

Programme 4	Purpose
Restorative Justice	Provide social welfare services to vulnerable groups through social protection, social investment & social cohesion programmes
Sub-programme	
Social Crime Prevention & Support Services	To manage the provision of social crime prevention & support services
Victim Empowerment Services	To restore socially functioning and break the cycle of violence
Substance Abuse, Prevention, Treatment, & Rehabilitation Services	To manage the provision of substance abuse prevention, treatment & rehabilitation services

Programme 5	Purpose
Community Development	To manage the provision of integrated community development services and programmes
Sub-programme	
Institutional Capacity Building & Support	Manage and facilitate the provision of institutional capacity building programmes
Community Mobilisation	Popularize social development services

Sustainable Livelihoods	To manage social facilitation & poverty eradication for sustainable livelihoods (including EPWP)
Community Based Research & Planning	To identify households living below the poverty line
Women Development	To improve the capacity of women in socio economic empowerment programmes through financial or skills development to ensure self-reliance
Youth Development	To create an environment conducive to youth empowerment & development
Population Policy Promotion	To inform decision making on population research studies conducted

9. THE INFORMATION OFFICER, DEPUTY INFORMATION OFFICER AND CONTACTS SECTION 14 (l)(b)

- 9.1 In terms of PAIA, the Head of Department (Accounting Officer) is the Information Officer for the Department and must be registered with the Information Regulator.
- 9.2 The Information Officer has duly appointed six (6) Deputy Information Officers, to ensure that the requirements of PAIA and POPIA are administered in a fair, objective and unbiased manner.

The following is their contact details

Name	Physical Address	Postal Address and Contacts
Information Officer DR. F. Ngqobe	Provident House Building University Drive Mmabatho	Private Bag x 6 Mmabatho 2735 Tel: 018 388 1668 Fax: 018 384 5967 E-mail: fezilengqobe@nwpg.gov.za
Deputy Information Officers	Provident House Building University Drive	Private Bag x 6 Mmabatho

MR. T. Ntuane	Mmabatho	2735 Tel: 018 388 2010 Fax: 018 384 5967 Cell: 060 537 8077 E-mail: tirontuane3@gmail.com
MR. M. Sethaelo	Provident House Building University Drive Mmabatho	Private Bag x 6 Mmabatho 2735 Tel: 018 388 1890 Fax: 018 384 5967 Cell: 071 856 0872 E-mail: msethaelo@nwpg.gov.za
MISS. K. MOTHIBI	DR RUTH SEGOMOTSI MOMPATI Mini Garona Building Cnr Noord & Molopo Streets Vryburg	Mini Garona Building Cnr Noord & Molopo Streets Vryburg Tel: 053 928 0114 Cell: 060 542 1156 E-mail: HArmstrong@nwpg.gov
MR. K. Kgobe	DR KENNETH KAUNDA Jade Square Building Cnr Margaretha Prinsloo & OR Tambo Streets Klerksdorp	Jade Square Building Cnr Margaretha Prinsloo & OR Tambo Streets Klerksdorp Tel: 018 462 5037 Cell: 060 537 8254 E-mail: kkgobe@nwpg.gov.za
MISS.B. Sityi	NGAKA MODIRI MOLEMA Amos House Building	Amos House Building Cnr Martin Street &

	Cnr Martin Street & Nelson Mandela Drive Mahikeng	Nelson Mandela Drive Mahikeng Tel: 018 388 2924 Cell: 071 859 2892 E-mail: Bsityi@nwpg.gov.za
DR. M. Motshedi	BOJANAL 12 Kgwebo Drive Mabe Business Park Rustenburg	12 Kgwebo Drive Mabe Business Park Rustenburg Tel: 078 531 2494 Cell: 078 531 2494 E-mail: Mmotshedi@nwpg.gov.za

10. SECTION A: PROMOTION OF ACCESS TO INFORMATION

11. GUIDE OF ALL MANUALS IN THE REPUBLIC

- The Information Regulator has published the guide as is prescribed by section 10 of the PAIA.
- The guide is available at the offices of the Information Regulator.

Physical Address	Postal Address
Physical Address JD House 27 Stiemens Street, Braamfontein, Johannesburg	P.O. BOX 31533 Braamfontein Johannesburg 2017 Telephone: +27 (0) 10 023 5200 E-mail: infoereg@justice.gov.za Website: https://www.justice.gov.za/infoereg/contact.html

12. DESCRIPTION OF SUBJECTS ON WHICH THE DEPARTMENT HOLDS RECORDS AND CATEGORIES HELD ON EACH SUBJECT

Below is a list of subjects on which the Department of Social Development holds records and categories of records held under each subject. The list is not exhaustive and may be amended from time to time. The records held under the various subjects are not all automatically available and access to the records is subject to the nature of the information contained in the record.

Subjects on which the department holds records	Categories of records held on each subject
Strategic Leadership and Performance Management	• Departmental Strategic Plans • Annual Performance Plans • Service Delivery Improvement Plans • Quarterly Reports • Annual Reports • Approved Organisational Structure • Public Service Commission Report • Auditor General's Report • Budget Speech • PAIA & POPIA Manual • Departmental Policies and Legislation
Human Capital Management and Capacity Development	• Human Capital Management Policies • Departmental Human Resource Plans • Job descriptions • Standard operating procedures • Employment Equity Plan and report • Organisational Development Programs reports. • Employee Health and Wellness policies • Bursary policy • Public Service Application Forms [z83] • Performance Management and

	Development System • Occupational Health and Safety standards • Training, learnership and internship adverts
Communications	• Communication Policies • Editorial & publication services • Branding Manuals • Media Statements • Brochures and newsletters
Chief Financial Management & Administration	• Budget Book • Audited financial statements. • Procurement plan. • Tender guidelines and documents • Logistic management • Asset management
Social Welfare Services	• Social Welfare Legislations • Protocols for assessment panels on disability and care dependency • HIV/AIDS Business Plan • List of NGOs funded
Community Development	• List of NPOs • Annual reports of registered NPOs • Application form to register as NPO • NPOs code of good practice • Information of NPO registration process • Funded projects lists

13. REQUEST FOR ACCESS [s14c(1)(d)]

- Everyone has the 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 to information held by the Department is 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.

CATEGORIES OF RECORDS/INFORMATION AVAILABLE ONLY BY PAIA PROCESS REQUIREMENT: Sec 14(1)(d)	
PROGRAM	RECORDS
Human Capital Management and Development	• Employment contracts • Disciplinary records • Leave records. • Personnel files • Workplace Skills Plan • Job grading and evaluation reports • Staff establishment • Labour Relations reports • Database of bursary holders • Employment Equity Report • Employee Health and Wellness Report • Individual PMDS Report • Occupational Health and Safety Reports

Legal Services	• Information gathered during the investigation and adjudication of complaints. • Records of all litigation matters • Appeals Reports • Administrative Decision Register • Legal opinions and interpretations/ Advisory Services • Records of matters resolved through mediation. • Service Level Agreements • Contracts and Memoranda of Understanding
➤ Chief Financial Management & Administration	• Bank statements. • Payment files including supporting documents. • Contracts or service level Agreements • Payroll & salary information • Evaluation and adjudication reports • Invoices
➤ Community Development	• NPO Business Plan
➤ Social Welfare Services	• All documents including intake forms that contain sensitive personal information

14. PROCEDURE FOR REQUESTING RECORDS

- A requester must complete the prescribed PAIA Form 02 which-
 - can be found in the departmental website, www.nwpg.gov.za/dsdwcdp
- The request for information must be submitted to:

The Head of Department Private Bag x 6 Mmabatho 2735	The Head of Department Provident House Building University Drive Mmabatho Fax: (018) 384 5967
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- The requester must also indicate if he or she would like to obtain a copy of the record or would like to inspect the record at the offices of the Department. Alternatively, if the record is not a paper copy document, it can be viewed in the requested form, where possible [s29(2)].
- If a requester asks for access in a particular form, then he or she should get access in the manner that has been asked for. This principle applies, unless doing so would interfere unreasonably with the running of the Department, or damage the record, or infringe a copyright not owned by the state [s29(3)].
- If for practical reasons, access cannot be given in the required form, but in an alternative manner, then the fee must be calculated according to the way that was first asked for by the requester [s29(4)].
- If, in addition to a written reply to their request for the record, the requester wants to be informed about the decision in any other way, for example telephonically, this must be indicated [s18(2)(e)].

15. REQUEST ON BEHALF OF ANOTHER PERSON

If the 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 [s18(2)(f)].

16. REQUEST BY PERSONS WITH DISABILITIES

- If the requester is unable to read or write, or if he or she has a disability that prevents him or her from completing the prescribed form, then he or she can make a verbal request. The Information Officer will then complete the form on behalf of the requester and give a copy of the completed form to the requester [s18(3)].
- The Information Officer will assist a requester to comply with the requirements to request access to information, including referring a requester to another public body, if it is apparent that the request for information should have been made, to such other body [s19].

17. TRANSFER OF REQUEST [s20]

- The Information Officer of the Department may transfer requests for records to another public body when:
 - the record is in the possession of that public body,
 - the subject matter of the record is more closely associated with the functions of that public body,
 - the record was created for that public body, or was received first by that public body, or
 - the record contains commercial information in which that public body has greater commercial interest
- In such instances the Information Officer of the Department would 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 which 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.
- 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 whom it was transferred. All the relevant periods that apply to a request for information have to be adhered to.

18. NOTIFICATION OF TRANSFER

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

19 . PAYMENT OF FEES [s22]

- Section 22 (1) of PAIA states that fees payable for access are prescribed. The prescribed fees are as set out in **annexure B**, as attached hereto.
- A requester who seeks access to a record containing personal information about him or her is not required to pay request fee.
- Any other requester, who is not a personal requester, must pay request fee in order to gain access to the information.
- After the Information Officer has made a decision on the request, the requester must be notified of such a decision in the manner in which the requester wanted to be notified.

- If the request is granted, then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours within which to search and prepare the record for disclosure.

20. SCHEDULE OF PRESCRIBED FEES

- Prescribed fees are contained in the Regulations promulgated in terms of PAIA and must be paid by a requester before the Department can make any records requested available to the requester. A copy of the schedule of prescribed fees can be accessed on the departmental website, www.nwpg.gov.za/dsdwcdp.
- Fees are payable during office hours at the office of the Chief Financial Officer, Provident House Building, West Wing, University Drive, Mmabatho.

21. ARRANGEMENTS ALLOWING PUBLIC INVOLVEMENT IN FORMULATION OF POLICY, EXERCISE OF POWERS OR PERFORMANCE OF DUTIES [s14(1)(g)]

- The Department provides the following opportunities for consultation, representations or otherwise participating in the execution of the mandate of the Department:
 - Public workshops
 - Stakeholder Forum Workshops
 - Public involvement through departmental Imbizos

22. REMEDIES AVAILABLE IN THE EVENT OF NON-COMPLIANCE WITH PAIA [s14(1)(h)]

22.1 Internal appeal [s74]

A requester may lodge an internal appeal to the MEC against the decision of the Information Officer in the following instances:

- Where the request for access has been refused.
- Where the extension for the request for access by another 30 days has been refused.

- Where information requested has been provided but not in the form that was requested by the requester.

22.2 Prescribed form for lodging appeal [s75(1)]

- The appeal must be lodged according to the prescribed form issued in terms of the regulations of PAIA, or a form that substantially corresponds with that form.
- Copies of the form are also available from the office of the Deputy Information Officer and the Departmental website.
- The appeal must be lodged within 60 days.
- If notice to a third party is required in terms of s49(1)(b), within 30 days after notice is given to the appellant of the decision appealed against, or if notice to the appellant is not required, after the decision was taken.
- The appeal must be forwarded to the address (postal or physical) or fax number or e-mail address of the Information Officer.
- The appellant must provide reasons for the internal appeal and how he or she wishes to be informed of the decision about the appeal and must pay the prescribed appeal fee (if applicable).
- The MEC will allow late lodging of an appeal if the appellant's motivation warrants further extension where after the appellant should be informed of the outcome of the application of the appeal.
- Internal appeal form, PAIA Form 04 is found in the departmental website

22.3 Prescribed fee for lodging of appeal [s75(3)]

An appellant is required to pay the prescribed fee for lodging an appeal (if applicable). A decision on whether an appeal will be allowed may be deferred until the fee for lodging the appeal has been paid.

22.4 Submission of an internal appeal to the MEC [s75(4)]

- The Information Officer must submit an internal appeal within 10 working days after receipt thereto to the MEC.

- The MEC must at the same time be provided with the reasons for the Information Officer's decision against which the internal appeal is lodged and with the details of any third party that may be involved.

22.5 Third party(s) to be informed of any appeal informing them [s76]

When the MEC is considering an 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 MEC must inform the third party about the appeal within 30 days after receipt thereto.
- The MEC must furnish the third party with a description of the content of appeal, details of the appellant and must state if the MEC is of the opinion that it would be in public interest that the information should be revealed.
- The third party must within 21 days from the date of receipt of the communiqué from the MEC, make representations to the MEC why the request for information should not be granted or alternatively given written consent for the disclosure of the record to the requester.
- When the MEC is considering an internal appeal against the granting of a request for access to information, the MEC must notify the requester concerned of the appeal within 30 days after receipt thereof.

22.6 Notice of the internal appeal decision [s77]

- When deciding on an internal appeal, the MEC may confirm the original decision or make a new decision.
- The decision must be taken within 30 days after the receipt of the internal appeal or within 5 days after receipt of the internal appeal.
- The MEC must immediately notify the appellant, and all affected third parties of the decision and must provide the reasons for the decision.

- If the MEC fails to comply with the above-mentioned procedures and the frames for consideration of an internal appeal, then it may be concluded that the MEC has dismissed the internal appeal.

23. APPLICATION FOR REVIEW BY A COURT OF LAW [s78]

- The requester/ appellant and third party should be informed that they may apply for review of the decision of the MEC on an internal appeal.
- Application for review is appropriate after the requester or third party has exhausted the internal appeal procedures, and the application must be made within 30 days after the decision has been taken.
- During the review application, the court with jurisdiction may confirm, amend, or set aside the decision taken on an internal appeal or may grant an interdict.

24. AVAILABILITY OF THE MANUAL [s14(3)]

- In accordance with section 110 of the Protection of Personal Information Act (POPIA), It is no longer a requirement to submit this manual to the South African Human Rights Commission, hence this manual will be made available on the departmental website www.nwpg.gov.za/dsdwcdp
- Copies of the manual will also be available at the offices of the department
- A fee for a copy of the manual, as contemplated in annexure B of the regulations, shall be payable per each A4 size photocopy made.
- The manual is available in in English, Afrikaans & Setswana

25. SECTION B: PROTECTION OF PERSONAL INFORMATION

26. PURPOSES OF THE PROCESSING

POPIA establishes the rights and duties that are designed to safeguard personal data. In terms of POPIA, the legitimate needs of organisations to collect and use personal data for business and other purposes are balanced against the right of individuals to have their right of privacy, in the form of their personal details, respected.

POPIA applies to a particular activity, i.e. the processing of personal data, rather than a particular person or organisation. Therefore, if you process personal data then you must comply with POPIA and, in particular; you must handle personal data in accordance with POPIA's data protection principles.

Therefore, if you collect or hold information about an identifiable individual or if you use, disclose, retain or destroy that information, you are likely to be processing personal data. The scope of POPIA is very wide and it applies to almost everything you might do with an individual's personal details including details of your employees.

27. DESCRIPTION OF THE CATEGORIES OF DATA SUBJECTS AND THE TYPES OF PERSONAL INFORMATION RELATING TO THERE TO

The department possesses the records relating to clients, employees, suppliers, service providers, members of the public who lodged complaints against department as displayed hereunder. The supply of personal information in this regard is mandatory

Data Subject Category	Personal Information Processed	Purpose of processing	Possible transfer of Personal Information to other countries/international organisation	Categories of recipients
Natural Persons	Names, contact details, physical & postal address, date of birth, identity document number, race, gender, nationality	To provide social welfare services according to prescribed legislation	Ad hoc	SAPS, NPOs, NGOs
Juristic Persons/ Entities	Names of contact persons, name of legal entity, physical, postal address and contact details, entity	To conduct due diligence on potential entities to ensure goods	No	Legal firms, SAPS, Financial institutions, Auditors

	registration number, bank details, tax related information	and services are within agreed specifications and that both parties fulfill agreed terms and conditions		
Contracted Service Providers	Names of contact persons, name of legal entity, physical, postal address and contact details, entity registration number, bank details, tax related information and business plans	To evaluate and adjudicate potential service providers in a fair and just process for acquisition of services	No	Financial institutions, SAPS, Legal firms & credit Bureaus, Auditors
Employees of Department	Names, contact details, physical & postal address, date of birth, identity document number, race, gender, nationality, age, marital status, home language, employment history, education information, criminal record, salary level & medical records	To assess competencies of potential employees and place them according to their strengths	No	Internal staff, SAPS, SAQA, Auditors

- Where Personal Information is collected in terms of specific legislation, the Public Body will inform the data subject in terms of which legislation that data is collected.

- Data subjects have the right in terms of section 11(3)(a) of POPIA to object to the processing of their Personal Information.
- In the event a data subject requires confirmation regarding the existence of the Personal Information processed by the Public Body or believes that the Personal Information processed by the Body requires rectification, the data subject is entitled to utilise the processes and procedures set out in section A of this manual to request access to the records of the Public Body.
- A data subject who wishes to request a correction or deletion of personal information or destruction or deletion of a record of personal information of that data subject in terms of section 24 (1) of POPIA.
- We will not, without data subjects' express consent use of their Personal Information for any purpose, other than:

Specifically:

- as set out in the abovementioned tables;

Generally:

- in relation to the provision of any goods and services to a data subject;
- to disclose their Personal Information to any third party as set out below:
- to third party service providers who want to confirm employment status of employees
- to law enforcement, government officials, fraud detection agencies or other third parties when we believe in good faith that the disclosure of Personal Information is necessary to prevent corruption and fraud, to support the investigation into suspected illegal activity;
- to our suppliers in order for them to liaise directly with data subject regarding any defective goods or services which requires their involvement;
- to any third-party seller for purposes of sending data subjects an invoice for any goods purchased from such third-party seller, which disclosed information will be limited to data subjects' email addresses;
- We are entitled to use or disclose data subjects' Personal Information if such use or disclosure is required in order to comply with any applicable law, subpoena, order of

court or legal process served on us, or to protect and defend our rights or property. In the event of a fraudulent online payment, we are entitled to disclose relevant Personal Information for criminal investigation purposes or in line with any other legal obligation for disclosure of the Personal Information which may be required of it.

- Data subjects' privacy is important to us and we will therefore not provide their Personal Information to unauthorised third parties for their independent use, without their consent.

We will not process personal information concerning:

- the religious or philosophical beliefs, criminal history, race or ethnic origin, trade union membership, political persuasion, health or sexual orientation or biometric information of a data subject;

Unless

- the data subject has given us specific consent to process such data; or
- processing is necessary for the establishment, exercise or defense of a right or obligation in law;
- processing is necessary to comply with an obligation of international public law; or
- processing is for historical, statistical or research purposes to the extent that: (i) the purpose serves a public interest or (ii) requesting consent would constitute an unreasonable requirement in the circumstances.
- In line with our obligations in terms of section 22 of the POPI Act, where there are reasonable grounds to believe that Personal Information has been accessed or acquired by any unauthorised person, we will notify the Information Regulator and the data subject, where possible.

We will:

- treat data subjects' Personal Information as strictly confidential, save where we are entitled to share it as set out in this section;

- take appropriate technical and organisational measures to ensure that data subjects' Personal Information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration, disclosure or access;
- provide data subjects with access to their Personal Information to view and/or update personal details;
- promptly notify data subjects if we become aware of any unauthorised use, disclosure or processing of their Personal Information;
- provide data subjects with reasonable evidence of our compliance with our obligations under this section on reasonable notice and request; and
- upon data subjects request, promptly return or destroy any and all of their Personal Information in our possession or control, save for that which we are legally obliged to retain.
- We will not retain data subjects' Personal Information longer than the period for which it was originally needed, unless we are required by law to do so, or they consent to us retaining such information for a longer period.
- Whilst we will do all things reasonably necessary to protect data subjects' rights of privacy, we cannot guarantee or accept any liability whatsoever for unauthorised or unlawful disclosures of data subjects' Personal Information, whilst in our possession, made by third parties who are not subject to our direct control, unless such disclosure is as a result of our gross negligence.
- Should a data subject believe that we have used their Personal Information contrary to this Manual and the provisions of the POPI Act, the data subject should first attempt to resolve any concerns with us. If the data subject is not satisfied, they have the right to lodge a complaint with the Information Regulator (which address can be found herein below), established in terms of the POPI Act.
- The Information Regulator (South Africa)
- SALU Building 316
- Thabo Sehume Street
- Pretoria
- 0004

28. PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

The Public Body may occasionally need to transfer authorised Personal Information to other countries/international regulators/associations for the rendering of services by foreign third-party institutions. We will ensure that any person that we pass/transfer data subjects' Personal Information agrees to treat their information with the same level of protection as we are obliged to in terms of the POPI Act.

29. PERIOD FOR WHICH PERSONAL DATA WILL BE STORED

The period of storage of hard copies is determined by respective empowering provisions.

EMPOWERING PROVISIONS	RETENTION PERIOD	DOCUMENTS
Compensation for Occupational Injuries and Diseases Act, (Act 130 of 1993)	4 Years	Register with prescribed information of employees
	3 Years	Health & safety committee recommendations made in terms of issues affecting the health of employees & of any report made to an inspector Records of incidents reported Records of risk assessments
Basic Conditions of Employment Act, (Act 75 of 1997)	3 Years	Written particulars of an employee after termination of employment
Employment Equity Act, (Act 55 of 1998)	3 Years	Employment Equity Plan Reports pertaining to Employment Equity Plan
Labour Relations Act, (Act 66 of 1995)	3 Years	Arbitration awards

	Indefinite retention	Registered trade unions Details of any strike or protest action involving employees Records of disciplinary transactions, actions taken by employer and reasons for actions
	5 Years	Payment vouchers
	Indefinite retention	Evaluation & adjudication reports

30. GENERAL DESCRIPTION OF PHYSICAL AND CYBER INFORMATION SECURITY MEASURES

The security measures implemented by the department to ensure the confidentiality, integrity and availability of Personal Information, are listed and described below:

- Access control to the premises and certain key areas is restricted to authorised personnel
- Devices and user stations are password protected
- Safe storage of physical documentation
- Systems and devices are automatically locked after certain periods of inactivity
- Password protection on devices are changed regularly
- Virus protection software and update protocols
- Non-disclosure/ confidentiality agreements

31. APPLICATION FOR ISSUING CODE OF CONDUCT

If the department can justify that it sufficiently represents a class of bodies, profession, or vocation that wishes to apply for the issuing of a code of conduct in terms of section 61(1)(b) of POPIA, must submit an application to the Regulator using Form 3.

32. SUBMISSION OF COMPLAINT

- 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.
- The Department or 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

33. PAIA & POPIA FORMS

The PAIA and POPIA forms can be accessed from the departmental website www.nwpg.gov.za/dsdwcdp.

