

MANUAL

PROMOTION OF ACCESS TO INFORMATION ACT(PAIA) MANUAL

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1. INTRODUCTION

This Manual is published in terms of Section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right. The provision of any information in addition to that specifically required in terms of Section 14 of the Act does not create any contractual right or entitlement to receive such information, other than in terms of the Act.

2. BANK SECTOR EDUCATION AND TRAINING AUTHORITY (“BANKSETA”) OVERVIEW

The Banking Sector Education and Training Authority (BANKSETA) is a statutory body established through the Skills Development Act of 1998 to enable its stakeholders to advance the national and global position of the banking and alternative banking sector. In terms of the Skills Development Act 97 of 1998 BANKSETA is mandated to develop skills in the banking and alternative banking sector.

The BANKSETA’s operational duties are performed from the Head Office as well as from the regional offices.

3. AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website (www.bankseta.org.za) or by sending a request for a copy to the BANKSETA Information Officer or Deputy Information Officer by email. The Manual may also be obtained from our offices for public inspection during normal business hours.

4. UPDATING OF MANUAL

This Manual will be updated and published, if necessary, at intervals of not more than 3 (three) years or as and when there is material changes.

5. FUNCTIONS AND STRUCTURE OF BANKSETA

5.1 Functions of BANKSETA

5.1.1 The functions of BANKSETA are *inter alia* to:-

- I. develop a sector skills plan within the framework of the national skills development strategy;
- II. implement its sector skills plan by establishing learnerships, approving workplace skills plans, allocating grants as well as monitoring education training in the sector;
- III. promote learnerships by identifying workplaces for practical work experience, supporting the development of learning materials, improving the facilitation of learning and assisting in the conclusion of learnership agreements;
- IV. register learnership agreements;
- V. obtain accreditation from the South African Qualifications Authority;
- VI. collect and disburse the skills development levies in its sector; liaise with the National Skills Authority on the national skills development policy, the national skills development strategy as well as its sector skills plan;
- VII. report to the Director-General of Labour on its income and expenditure as well as the implementation of its sector skills plan;
- VIII. liaise with the employment services of the Department of Labour and any education body established under any law regulating education in the Republic of South Africa to improve information about employment opportunities and information between education training providers and the labour market;
- IX. appoint staff necessary for the performance of its functions; and
- X. perform any other duties imposed by the Skills Development Act and the Skills Development Levies Act or consistent with the purposes thereof.

XI. BANKSETA has all such powers as are necessary to enable it to perform its duties as set out above and any other powers conferred upon it by virtue of the Skills Development Act.

6. CONTACT DETAILS

Name of Public Body	Banking Sector Education and Training Authority
Designated Information Officer	Eubert Mashabane
Designated Deputy Information Officer (if any)	Christine Fritz
Email address of Information Officer/ Deputy Information Officer	Eubertm@bankseta.org.za and Christinef@bankseta.org.za
Postal address	P O Box 11678, Vorna Valley, 1686
Street address	Eco Origin Office Park Building C2 349 Witch-hazel Ave Eco-park Estate, Highveld Centurion 0144
Phone number	+27 11 805-9661
Fax number	+27 11 805-8348

7. HOW TO REQUEST ACCESS TO RECORDS HELD BY BANKSETA

- 7.1 A requester or data subject must use the prescribed form, **Form 2**, when requesting access to a record or personal information. **Form 2** is annexed below.
- 7.2 The **Form 2** must be addressed and submitted to the Information Officer and Deputy Information Officer by hand, post, or e-mail, which contact details are set out above.

- 7.3 The requester must provide sufficient information of the record(s) requested in order for the Information Officer or Deputy Information Officer, if any, to identify the record(s).
- 7.4 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:
- the identity of the requester;
 - particulars of record requested;
 - type of record;
 - form of access; and
 - manner of access.
- 7.5 In order to ensure that the BANKSETA provides correct record, the requester must:
- Provide enough detail on the request form to enable BANKSETA to identify the requester and the record requested.
 - Indicate in what manner the requester would like to access the records, for example hardcopy printouts or electronic format.
 - List the right(s) that requester want to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right; and
 - If requesting on behalf of another person, the requester must submit proof of the capacity in which requester makes the request.
- 7.6 The Information Officer, shall, as soon as reasonably possible and within thirty (30) days after the request has been received, decide whether to grant or refuse the request.
- 7.7 The requester shall be notified whether the request is granted or refused in writing.
- 7.8 The request shall also be advised on the following:
- The access fee to be paid for the information;
 - The format in which access will be given; and
 - The fact that you may lodge a complaint with the Information Regulator or an appeal with the Court in instances where the Information Officer has refused the request.

7.9 If Information Officer fails to respond to the request within thirty (30) days after a request has been received, it is deemed, that the request has been refused.

7.10 The information officer may request further 30 days extension in writing within 30 days after receiving the request.

7.11 If the request is refused, the Information Officer shall give the requester a written reasons for refusing the request. The requester may:

- Lodge an internal appeal to BANKSETA Board by completing **Form 4** and the Board shall respond to the requester within 60 days after the appeal forms is received.
- If the request is still refused by the Board and not satisfied with the refusal, the requester may submit complaint to the Information Regulator by completing **Form 5** (annexed below) before lodging an appeal with the Court against the refusal of the request.
- The appeal process is annexed below (see **annexure A**).

7.12 The Information Officer may request for extension for a further 30 days if -

- the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the BANKSETA;
- the request requires a search for records in, or collection thereof from, an office of the BANKSETA not situated in the same town or city as the office of the Information Officer and cannot reasonably be completed within the original period;
- consultation among divisions of the BANKSETA or with another public body is necessary or desirable to decide upon the request and such decision-making process cannot reasonably be completed within the original period;
- the requester consents in writing to such extension.

7.13 All requests received shall be evaluated and considered in accordance with PAIA. It is important to remember that, even though BANKSETA published the PAIA Manual and described the categories and subject matter of information or records that the organisation

hold, this does not give the requester any rights to access such information or records, except in terms of PAIA.

8 PRESCRIBED FEES

- 8.1 Section 22(1) of PAIA states that fees payable for access to records of the BANKSETA are to be prescribed. The prescribed fees are as set out in annexure B, attached hereto.
- 8.2 The requester will be notified of the prescribed fee payable, if any, the method of payment and the office to which he/she can make such payment or submit proof of payment before a request for information is processed further.
- 8.3 A requester who seeks access to any record may be required to pay a fee, unless an exempted.
- 8.4 The requester does not need to pay an access fee¹ to a public body if -
- The requester is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than **R14 712** a year, or
 - The requester is married and the joint income with his or her partner, after permissible deductions, such as PAYE and UIF, is less than **R27 192** per year.
- 8.5 Detailed prescribed fees are annexed below (see **annexure B**).

9. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

- 9.1 Requesters have the right to receive a response in the form of an affidavit or affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available.
- 9.2 Requesters also have the right to receive a response in the form of an affidavit or affirmation where requested records do not exist.

**FORM 2
REQUEST FOR ACCESS TO RECORD**

[Regulation 7]

Note:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

To *The information officer Email

Fax

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION

Full names						
Identity number						
Capacity in which request is made <i>(when made on behalf of another person)</i>						
Postal Address						
Street Address						
E-mail address						
Contact numbers	Tel (W)		Facsimile		Cell	
Full names of person on whose behalf request is made <i>(if applicable)</i>						
Identity number						
Postal Address						
Street Address						
E-mail address						
Contact numbers	Tel (W)		Facsimile		Cell	

PARTICULARS OF RECORD REQUESTED	
<i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>	
Description of record or relevant part of the record	

Reference number, if available:	
Any further particulars of record:	

TYPE OF RECORD	
<i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	<input type="checkbox"/>
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	<input type="checkbox"/>
Record consists of recorded words or information which can be reproduced in sound	<input type="checkbox"/>
Record is held on a computer or in an electronic, or machine-readable form	<input type="checkbox"/>
FORM OF ACCESS	
<i>(Mark the applicable box with an "X")</i>	
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	<input type="checkbox"/>
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	<input type="checkbox"/>
Transcription of soundtrack (written or printed document)	<input type="checkbox"/>
Copy of record on flash drive (including virtual images and soundtracks)	<input type="checkbox"/>

Copy of record on compact disc drive (including virtual images and soundtracks)		
MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>		
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>		
Postal services to postal address		
Postal services to street address		
Courier service to street address		
Facsimile of information in written or printed format <i>(including transcriptions)</i>		
E-mail of information <i>(including soundtracks if possible)</i>		
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>		
PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>		
Indicate which right is to be exercised or protected:		
Explain why the record requested is required for the exercise or protection of the aforementioned right:		
FEES		
<p>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.</p> <p>b) You will be notified of the amount required to be paid as the request fee.</p> <p>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.</p> <p>d) If you qualify for exemption of the payment of any fee, please state the reason for exemption</p>		

PAIA MANUAL

Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic Communication <i>(Please specify)</i>

Signed at this day of 20

.....
Signature of requester / person on whose behalf request is made

FOR OFFICAL USE

Reference number:	
Request received by: <i>(State Rank, Name and Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

.....
Signature of Information Officer

FORM 4

LODGING OF AN INTERNAL APPEAL
[Regulation 9]

Reference No.

PARTICULARS OF PUBLIC BODY							
Name of Public Body							
Name and Surname of Information Officer							
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL							
Full Names							
Identity Number							
Postal Address							
Contact Numbers		Tel (W)		Facsimile		Cell	
Is the internal appeal lodged on behalf of another person?				Yes		No	
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>							
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>							
Refusal of request for access							
Decision regarding fees prescribed in terms of section 22 of the Act							

Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act		
Decision in terms of Section 29(3) of the Act to refuse access in the form requested by the requester		
Decision to grant request for access		
 GROUNDS FOR APPEAL 		
<i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. All the additional pages must be signed.)</i>		
State the grounds on which the internal appeal is based		
State any other information that may be relevant in considering the appeal		

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic Communication <i>(Please specify)</i>

Signed at this day of 20

.....

Signature of Appellant/Third party

FOR OFFICIAL USE OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by <i>(state rank, name and surname of Information officer)</i>	
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Date received			
Appeal accompanied by the reasons for the information office applicable, the particulars of any third party to whom or which submitted by the information officer		's decision and, where the record relates,	
		Yes	
		No	
OUTCOME OF APPEAL			
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>
	No		
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>
	No		
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>
	No		
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>
	No		
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>
	No		

Signed at this day of 20

.....
Relevant Authority

**FORM 5
 LODGING OF COMPLAINT**

[Regulation 10]

Note

1. *This form is designed to assist the Requester (hereinafter referred to as “the Complainant”) in requesting a review of a public or private body’s response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“PAIA”). Please fill out this form and send it to the Information Regulator or complete the online complaint form available at <https://www.justice.gov.za/inforeg/>.*
2. *PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part E of this complaint form.*
3. *It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as “the Body”) an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed PAIA form and submit it to the Body.*
4. *A copy of this form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.*
5. *The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.*
6. *Please attach copies of the following documents, if you have them:*
 - *Copy of the form to the Body requesting access to records;*
 - *The Body’s response to your complaint or access request;*
 - *Any other correspondence between you and the Body regarding your request;*
 - *Copy of the appeal form, if your complaint relate to a public body;*
 - *The Body’s response to your appeal;*
 - *Any other correspondence between you and the Body regarding your appeal;* • *Documentation authorizing you to act on behalf of another person (if applicable);*
 - *Court order or court documents relevant to your complaint, if any.*
7. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

To	The Information Regulator P.O Box 31533, Braamfontein 2017	E-mail address: inforeg@justice.gov.za Tel number: +27 (0)10 023 5200
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PARTICULARS OF PERSON ON W

HOSE BEHALF THE INTERNAL APPEAL IS LODGED Mark with an "X"

<input type="checkbox"/> Complainant Personally	<input type="checkbox"/> Representative of Complainant	<input type="checkbox"/> Third party
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PREREQUISITES

Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No	
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

FOR INFORMATION REGULATOR'S USE ONLY				
Received by (Full names)				
Position				
Signature				
Complaint Accepted	Yes		No	
Reference Number				

DATESTAMPHERE

Postal Address	Facsimile	Other Electronic Communication <i>(Please specify)</i>

PART A : PERSONAL INFORMATION OF COMPLAINANT

Full Names					
Identity Number					
Postal Address					
Street Address					
E-mail Address					
Contact Numbers	Tel (W)		Facsimile		Cell

PART B : REPRESENTATIVE INFORMATION
(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)

Full names of represent					
Nature of representation					

Identity No./Registration						
Postal Address						
Street Address	Tel (W)		Facsimile		Cell	
E-mail Address						
Contact Numbers						
PART C : THIRD PARTY INFORMATION <i>(Please attach letter of authorisation)</i>						
Type of body	Private				Public	
Name of *Public/Private body						
Registration number (if any)						
Name, surname and title of person authorised to lodge complaint						

Postal Address						
Street Address						
E-mail Address						
Contact Numbers	Tel (W)		Facsimile		Cell	
PART D : BODY AGAINST WHICH THE COMPLAINT IS LODGED						
Type of body	Private				Public	
Name of *Public/Private body						
Registration Number (if any)						
Name, Surname and Title of person you dealt with at the public or private body to try to resolve your complaint or request to access of information						
Postal Address						
Street Address						
E-mail Address						
Contact Numbers	Tel (W)		Facsimile		Cell	

Reference Number given <i>(if any)</i>	
PART E : COMPLAINTS	
<i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public body for response and possible resolution; there are limited exceptions)</i>	
Date on which request for access to records submitted	
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body	
Have you attempted to resolve the matter with the organisation?	
If yes, when did you receive it? <i>(Please attach the letter to this application)</i>	
Did you appeal against a decision of the information officer of the public body?	
If yes, when did you lodge an appeal?	
Have you applied to Court for appropriate relief regarding this matter?	
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.	

PART F : DETAILED TYPE OF ACCESS TO RECORDS		
<i>(Please select one or more of the following to describe your complaint to the Information Regulator))</i>		
Unsuccessful appeal: (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	I have appealed against the decision of the public body and the appeal is unsuccessful.	

Unsuccessful application for condonation: (Sections 77A(2)(b) and 75(2) of PAIA)	I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.	
Refusal of a request for access: (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	I requested access to information held by a body and that request was refused or partially refused.	
The body requires me to pay a fee and I feel it is excessive: (Sections 22 or 54 of PAIA)	Tender or payment of the prescribed fee.	
Repayment of the deposit: (Section 22(4) of PAIA)	The tender or payment of a deposit.	
Disagree with time extension: (Sections 26 or 57 of PAIA)	The information officer refused to repay a deposit paid in respect of a request for access which is refused.	
Form of access denied: (Section 29(3) or 60(a) of PAIA)	The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.	
Deemed refusal: (Section 27 or 58 of PAIA)	I requested access in a particular and reasonable form and such form of access was refused.	
Inappropriate disclosure of a record: (Mandatory grounds for refusal of access to record)	It is more than 30 days since I made my request and I have not received a decision.	

No adequate reasons for the refusal of access: (Section 56(3)(a) of PAIA)	Extension period has expired and no response was received. Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.	
Partial access to record: (Section 28(2) or 59(2) of PAIA)	My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.	
Fee waiver: (Section 22(8) or 54(8) of PAIA)	Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.	
Records that cannot be found or do not exist: (Section 23 or 55 of PAIA)	I am exempt from paying any fee and my request to waive the fees was refused.	
Failure to disclose records:	The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.	
No jurisdiction (exercise or protection of any rights): (Section 50(1)(a) of PAIA)	The Body decided to grant me access to the requested records, but I have not received them. The Body indicated that the requested records are excluded from PAIA and I disagree.	
Frivolous or vexatious request: (Section 45 of PAIA)	The Body indicated that my request is manifestly frivolous or vexatious and I disagree.	

Other: (Please explain):	
PART G : EXPECTED OUTCOME	
<i>(How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.)</i>	
PART H : AGREEMENTS	

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

- I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.
- The information in this Complaint Form is true to the best of my knowledge and belief.
- I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.
- I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.
- If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at this day of 20

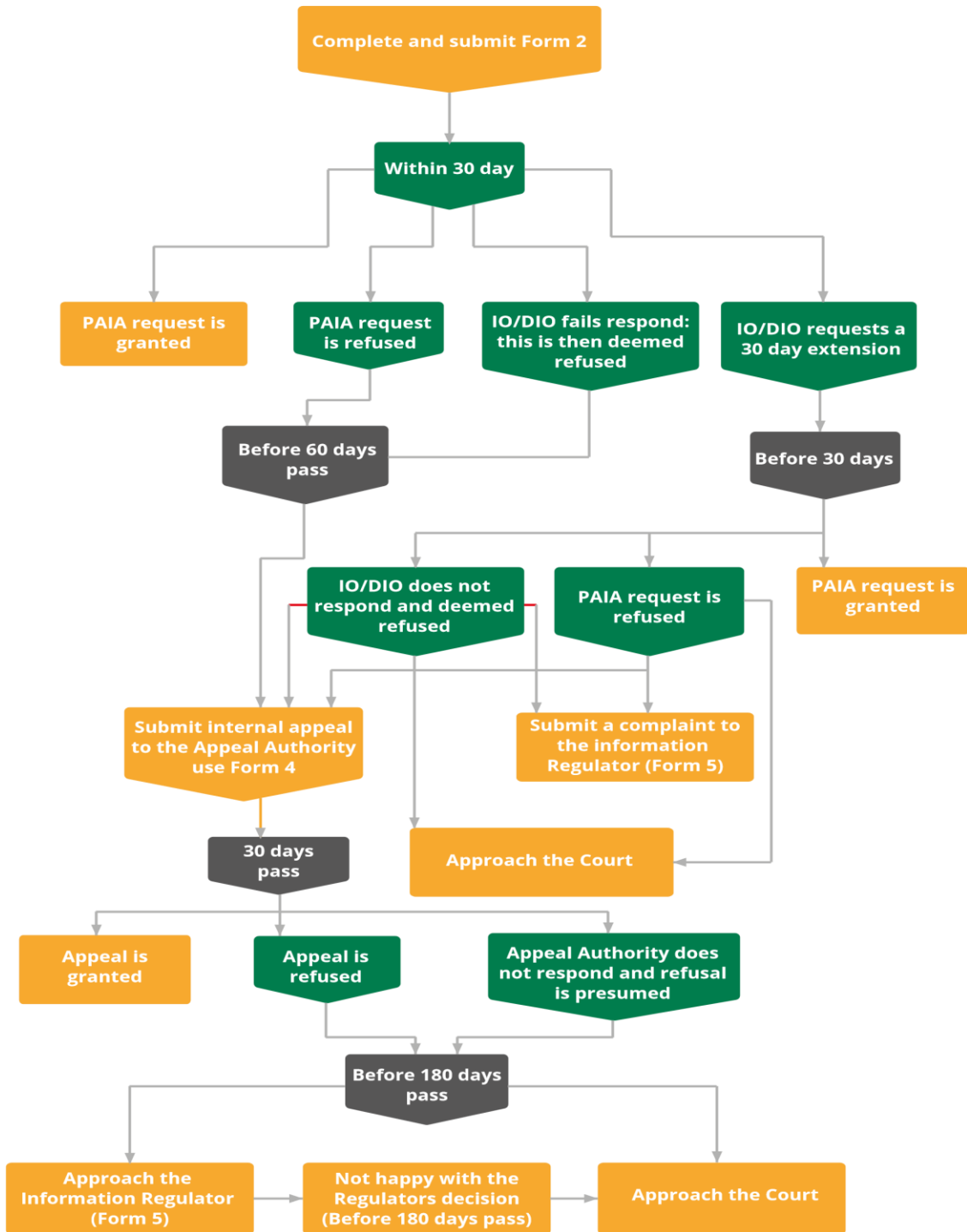
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Complainant/Representation/Authorised Person of Third party



ANNEXURE A

Appeal procedure



ANNEXTURE B

*[Fees]***Fees in Respect of Public Bodies**

	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00 R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.