

## INTRODUCTION

- This Promotion of Access to Information Manual (“Manual”) is published in terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) and section 23 -25 of the Protection of Personal Information Act No.4 of 2014 (“POPIA”).
- Section 51 of PAIA creates a legal right to access records (as defined in section 1 of PAIA) of a private body (both natural and juristic), however this right may be negated in circumstances as set out under Chapter 4 of Part 3 of PAIA. In addition, in compliance with POPIA a responsible party who processes personal information must notify the person to whom personal information relates (“Data Subject”) of the manner in which the Data Subject can access their personal information held by the responsible party.

## ABOUT SAGEA

- SAGEA strives to be the voice of the South African Graduate Employer. We are a community of professionals who specialise in attracting, recruiting, developing and retaining graduate talent. We provide the opportunity to network with like-minded individuals, access the latest resources and insights, and learn from global best practice to elevate the field of graduate employment in South Africa.
- SAGEA also offers events, training, graduate employment research and thought leadership.

## CONTACT INFORMATION

- The responsibility for administration of and compliance with PAIA and POPIA, has been delegated to the Information Officer of SAGEA.
- Requests to be directed as follows:

Company Name	South African Graduate Employers Association
Information Officer	Cathy Sims
Physical Address	10 Almora Circle, Tokai, Western Cape, 7966
Postal Address	10 Almora Circle, Tokai, Western Cape, 7966
Telephone Number	+27 87 379 7163
Email address	cathy.sims@sagea.org.za
Website	www.sagea.org.za

## PURPOSE

- The purpose of this manual is to facilitate requests for access to records (including records containing Personal Information) (as defined in terms of SAGEA’s Privacy Policy) of SAGEA.
- Where this Manual does not deal with a procedure provided for in PAIA, the Requester or any other interested party is to consult the Act for guidance in relation thereto.
- A person requesting access to records from SAGEA (“the Requester”) is advised to familiarise themselves with the provisions of PAIA before making any requests to SAGEA in terms of PAIA.

- SAGEA makes no representation and gives no undertaking or warranty that any record(s) provided by it to a Requester is complete or accurate, or that such record is fit for any purpose. All users of such records shall use such records entirely at their own risk, and SAGEA shall not be liable for any loss, expense, liability, or claims, howsoever arising, resulting from the use of this Manual or of any record provided by SAGEA or any error therein.
- All users and Requesters irrevocably agree to submit to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this Manual or any records provided by SAGEA.

## **REQUIREMENTS IN TERMS OF PAIA**

- The South African Human Rights Commission (as provided for in section 10 of PAIA) has compiled and published a “Guide on How to Use the Promotion of Access to Information Act 2 of 200”. This Guide will assist persons in using and understanding PAIA. The Guide can be accessed via the South African Human Rights website ([www.sahrc.org.za](http://www.sahrc.org.za)).
- At this stage SAGEA does not have any categories of records which are automatically available without a person having to request access in terms of PAIA. All categories of records of SAGEA require a formal request to access such records.
- The following legislation creates the obligation to keep certain records:
  - Basic conditions of Employment No. 75 of 1997
  - Broad Based Black Economic Empowerment Act No. 53 of 2003
  - Companies Act No. 71 of 2008
  - Consumer Protection Act No. 68 of 2008
  - Copyright Act No.98 of 1978
  - Electronic Communication and Transaction Act No. 25 of 2002
  - Employment Equity Act No. 55 of 1998
  - Income Tax Act No. 95 of 1967
  - Insolvency Act No. 24 of 1936
  - Labour Relations Act No. 66 of 1955
  - National Credit Act No. 34 of 2005
  - Occupational Health and Safety Act No. 85 of 1993
  - Skills Development Act No. 97 of 1998
  - Unemployment Insurance Act No. 63 of 2001
  - Value Added Tax Act No. 89 of 1991
- Such records will be made available only to those individuals/entities authorised to request access to such records in terms of the particular legislation. Any other persons must follow the request for access of records procedure as outlined in this Manual.
- PAIA requires that sufficient detail be provided to facilitate a request for access to a record of SAGEA. A description of the subjects on which SAGEA holds records and the categories of the records held by each subject can be found in Annexure A of this Manual, which forms an integral part of this Manual. In addition, reference can be made to SAGEA’s Privacy Policy for the categories of personal information held.

## **REQUEST PROCEDURE/FORM OF REQUEST**

- Access to records held by SAGEA is not automatic and can be refused by SAGEA on any of the grounds for refusal contemplated in Chapter 4 of Part 3 of PAIA.
- In order to request access to records held by SAGEA, the Requester must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in PAIA.
- If the Requester requests information on behalf of a public body, the Requester must identify that the request for information is in the public's interest by stipulating adequate reasons.
- If the Requestor is making a request on behalf of another person, sufficient proof (to the satisfaction of SAGEA) of the capacity in which the Requestor is making the request/acting must be submitted. The type of proof required will be advised by SAGEA upon receipt of the request.
- In order to facilitate such a request for access to records, the Requester needs to complete the prescribed access form included herewith as Annexure B. Please note that the prescribed access form must be completed in full. If not, the process may be delayed until such additional information has been provided.
- In terms of section 23(1) of POPIA, adequate proof of identity is required from the Requestor/Data Subject. Therefore, in addition to the prescribed access form, the Requestor will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.
- The request form and proof of identity must be provided to the Information Officer of SAGEA at the physical address or e-mail set out above. SAGEA may, in its sole discretion request that original certified copies be provided in certain circumstances such as if the electronic copies provided are not clear or are questionable.
- The Requester must provide sufficient detail on the prescribed access form to enable the Information Officer to identify the record requested. When completing the prescribed access form, the Requester should also indicate:
  - which form of access is required;
  - the right the Requester is seeking to exercise or protect and explain why the requested record is required for the exercise or protection of that right;
  - whether the Requester wishes to be informed of the decision in any other manner, in addition to a written reply, to state the manner and necessary particulars to be so informed; and
  - an email address, telephonic contact numbers and postal address in the Republic of South Africa.
- If a request is made on behalf of another person, the Requester must show, to the reasonable satisfaction of the Information Officer, that he or she is duly authorised to make such request.
- If an individual is unable to complete the prescribed access form because of illiteracy or disability, such an individual may make the request verbally.
- The prescribed access form must be adequately completed, with sufficient information particularly so that the Information Officer of SAGEA can identify and determine what the access fee will be, should access be granted.
- A request will not be processed until the request fee has been paid.

## **REFUSAL IN TERMS OF PAIA**

- SAGEA may refuse access to the requested record of parts thereof as allowed in terms of Chapter 4, namely section 62 till 70 (inclusive) of PAIA.
- In instances whereby a third party needs to be notified of request in order to authorise or decline access – SAGEA undertakes to request same from the third party within 21 (twenty-one) days of receipt of the request and to include the required information provided for in terms of section 71(3) of PAIA.
- In the event that the request is declined by the third party – SAGEA cannot be held responsible for same.

- Requestors will be informed within 30 (thirty) days of receipt of the prescribed access form if SAGEA's decision is to refuse access to the information requested based on any of the grounds for refusal as contemplated in Chapter 4 of Part 3 of the PAIA. Take note that the 30 (thirty) day period may be extended for a further 30 (thirty) day period should more time be required to gather the requested information. The Requester will, however, be notified if the initial 30 (thirty) day notice period is to be extended for a further 30 (thirty) days.
- If all reasonable steps have been taken by SAGEA to find the record requested by the Requester and same cannot be found for reasons justifiable as per section 55 of PAIA, the Information Officer shall provide an affidavit or affirmation to the Requester advising that it is not possible to give access to the record requested.
- The affidavit or affirmation will comply with all the requirements provided for in terms of section 55(2) of the Act.
- In the event the record is found subsequently, SAGEA undertakes to contact the Requester in order to gain access to same, subsequent to the payment of the applicable access fee.

### **PRESCRIBED FEES**

- There are two basic types of fees applicable in terms of PAIA – “request” and “access” fees.
  - The request fee is a non-refundable administration fee that is payable on submission of the request for access to a record and must be paid before the request is considered.
  - In line with section 23(1)(a) of POPIA, a Data Subject has a right to request whether or not SAGEA holds personal information about the Data Subject.
  - The access fee is payable prior to the Requester gaining access to the records.
  - The access fee is intended to reimburse SAGEA for the costs involved in reproduction of documents, searching, and preparing the record requested and for any time reasonably required (in excess of the prescribed hours) to search and prepare the record.
  - Should the preparation of the required record take more than 6 (six) hours, a deposit (which is 1/3 (one third)) of the access fee is payable before the request will be processed.
- SAGEA may withhold a record until the Requester has paid the applicable fees.
- The fee structure is available on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za) .

### **AVAILABILITY OF THE MANUAL**

- This Manual is available for inspection, on reasonable prior notice, at the SAGEA office free of charge.
- A copy of the Manual are also available and on the website at [www.sagea.org.za](http://www.sagea.org.za)

### **USEFUL LINKS**

- Promotion of Access to Information Act No.2 of 2000 - <https://www.gov.za/documents/promotion-access-information-act>
- Protection of Personal Information Act 4 of 2013 - <https://www.gov.za/documents/protection-personal-information-act>

**DATA SUBJECTS AND PERSONAL INFORMATION**

SAGEA collects general personal information which is necessary for it to carry out its services and other activities offered to you.

The following table outlines the categories of data subjects and personal information:

Data Subject	Personal Information
SAGEA Members	Name, contact details, email, physical and postal addresses, company details, designations, professional experience, work experience and qualifications, race, and gender demographics. Other information may be provided voluntarily at the discretion of the member.
Employees and Directors	All applicable employee and director information required to be kept in terms of the requirements under the Companies Act and Labour legislation and business operations. External parties shall not have access to such Employee/Director information unless SAGEA is directed to share this information with applicable court orders or legal reasons.
Suppliers	Company name, address and contact details, banking details, VAT number and BEE certificate/level information.
Stakeholders and Event/Training attendees	Name, contact details, email, physical and postal addresses, company details, designations, professional experience, work experience and qualifications, race, and gender demographics. Other information may be provided voluntarily at the discretion of the event/training attendee.
Website visitors	General website page analytics and usage information through the use of cookies; as well as in some instances website username and contact details for access to specific services not freely available to the general public.