

Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

PAIA Manual

Ref No: 8/4/1

Date: August 2013

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PROMOTION OF ACCESS TO INFORMATION ACT 2000
(Act No. 2 of 2000)
(hereinafter referred to as the "Act")

1. INTRODUCTION

- 1.1. The right of access to information is entrenched under section 32 of the Constitution of the Republic of South Africa. Section 32 provides that everyone has the right of access to any information held by state; or held by any other person that is to be used for the protection or exercise of any right. The Promotion of Access to Information Act is the law that gives effect to Section 32 of the Constitution. This Act is regulated by the South African Human Rights Commission (SAHRC), and was approved by Parliament on 2 February 2000 and came into effect on 9 March 2001.
- 1.2. The purpose of the Act is to promote transparency, accountability and good governance by empowering and educating the public to:
- Understand and exercise their rights,
 - Understand the functions and operations of public bodies, and
 - Effectively scrutinise and participate in decision-making by public bodies that affect their rights.
- 1.3. Under the Act, any person can demand records from public and private bodies without showing a reason. Public and private bodies currently have 30 days to respond to the request.

- 1.4 Organisations are required to compile a manual to serve both as an index of records held by public bodies and as a guide for requesters. The manual describes the procedure to be followed when requesting records.

Section 32 of the Act requires every Information Officer (In this case, Seda CEO) to submit annually (reporting period 1 April - 31 March), a report on certain statistics relating to PAIA and submit to South African Human Rights Commission outlining the number of requests made and how they were dealt with.

- 1.5 Small Enterprise Development Agency (Seda) embraces this opportunity to incorporate the Act's guidelines into its policies and procedures not only from a legal standpoint, but also as an opportunity to encourage open communication within the organisation. To help Seda comply, a process for handling requests within Seda is explained in this Manual.
- 1.6 This Manual is only available in English. Copies in other official languages may be made available by the Information Officer on request.
- 1.7 Forms for requests and applicable fees are attached in form A and B respectively, of this Manual.
- 1.8 The Seda approved file plan can be consulted as an index when requesting information from the organisation.
- 1.9 This manual is published in accordance with section 14 of the Act. The manual contains a description of the structure, functions and services of Seda and the availability of its records as a public body.

2. PURPOSE

The purpose of this Manual is to:

- 2.1 Provide information on how to obtain access to records held by Seda, giving effect to Section 14 of the Act; And
- 2.2 Identify the structure and services of Seda and describe the organisation's records system in order to facilitate the implementation of the Act.

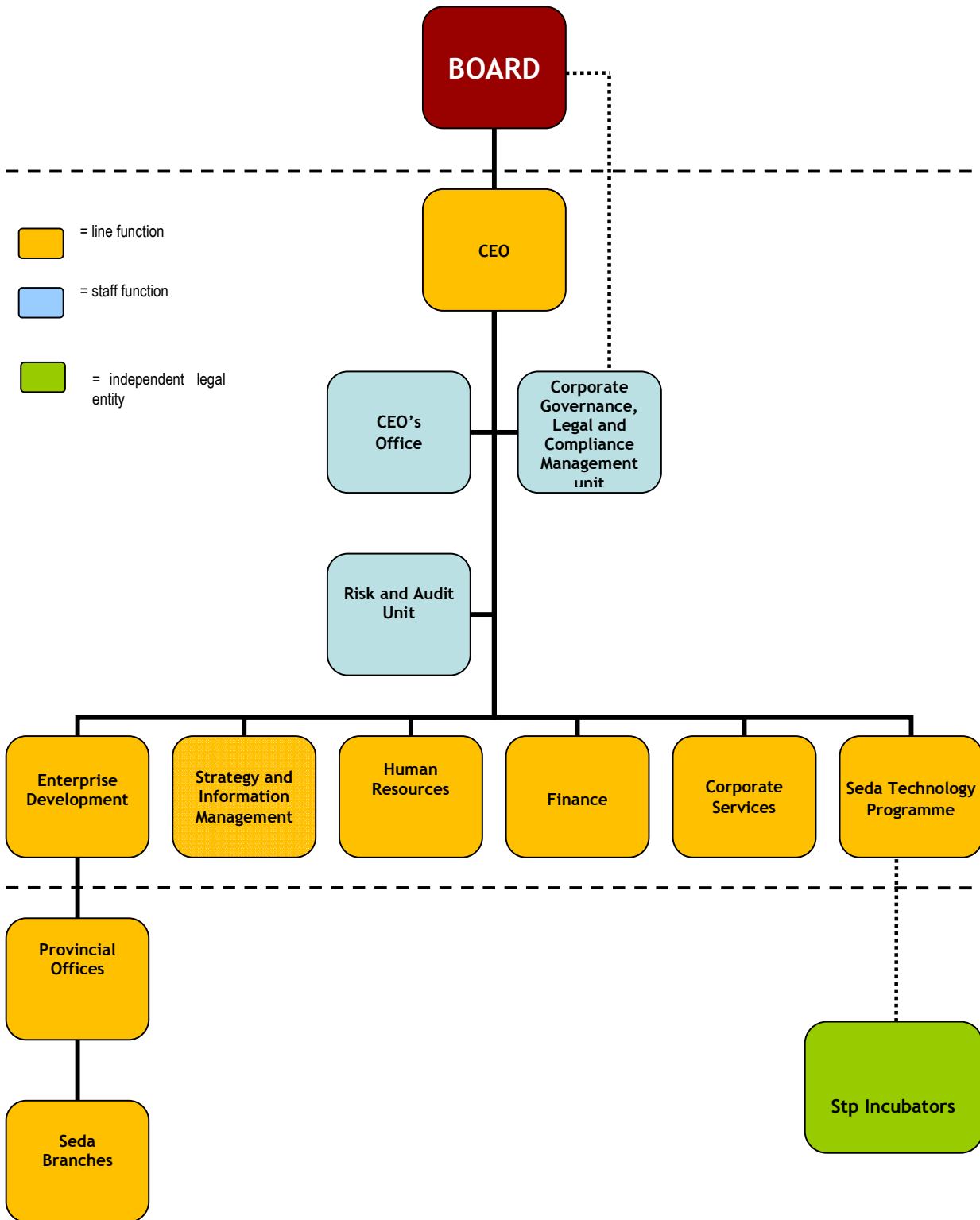
3. FUNCTIONS OF SMALL ENTERPRISE DEVELOPMENT AGENCY (SEDA)

3.1 Legislative Mandate

The Small Enterprise Development Agency (Seda) is an agency of the South African Department of Trade and Industry (the dti). Seda was established in December 2004, through the National Small Business Amendment Act, (Act No. 109 of 1996 as amended).

It is mandated to implement government's small business strategy; design and implement a standard and common national delivery network for small enterprise development; and integrate government-funded small enterprise support agencies across all tiers of government.

4. THE STRUCTURE AND SERVICE OF SEDA



5. ACCESS TO RECORDS HELD BY SEDA

Certain records excluding records with restricted access are automatically available without a person having to request them through the PAIA (see paragraph 5.1.) Other records maintained by Seda must be requested from the Information Officer in terms of the procedure defined in sections 17-32 of the Act (see paragraph 5.2).

5.1. Records which are available without having to request access in terms PAIA include;

- Seda annual/quarterly reports
- Seda business plan
- Seda annual performance plan
- Seda strategic plan
- Job vacancies
- Seda brochures & publications

5.2. Subjects and categories of records available through the provisions of PAIA include;

- a) Financial Records
 - Accounting records
 - Banking records (bank statements, paid cheques, electronic banking records)
 - Asset register
 - Rental agreements
 - Invoices

- b) Income tax records
 - PAYE records
 - Documents issued to employees for income tax purposes

- Records of payments made to SARS on behalf of employees
 - All other statutory compliances(VAT, skills development levies, UIF, Workmen’s compensation
- c) Personnel documents and records
- Employment contracts
 - Employment equity plan
 - Medical aid records
 - Pension fund records
 - Disciplinary records
 - Salary records
 - Leave records
 - Training records
 - Training Manual

6. HOW TO SUBMIT A REQUEST FOR INFORMATION TO SEDA

Members of the public can submit their request through the office of the Information Officer. The contacts details are outlined hereunder:

Name:	Hlonela Lupuwana
Telephone Number:	012 441 1000
Fax:	012 441 2011
Email address:	paiarequest@sedaorg.za
Postal Address:	The Information Officer, Small Enterprise Development Agency PO Box 56714 Arcadia 0007

Street Address:	The Fields, Office A, 1066 Burnett Street Hatfield PRETORIA 0833
Office Hours:	08:00 - 16:30 (working days)
Website	http://www.seda.org.za

All requests for records must be directed to the Information Officer using the prescribed form. The prescribed form, fully completed may be posted, faxed or e-mailed to the Information Officer using the contacts details stated above.

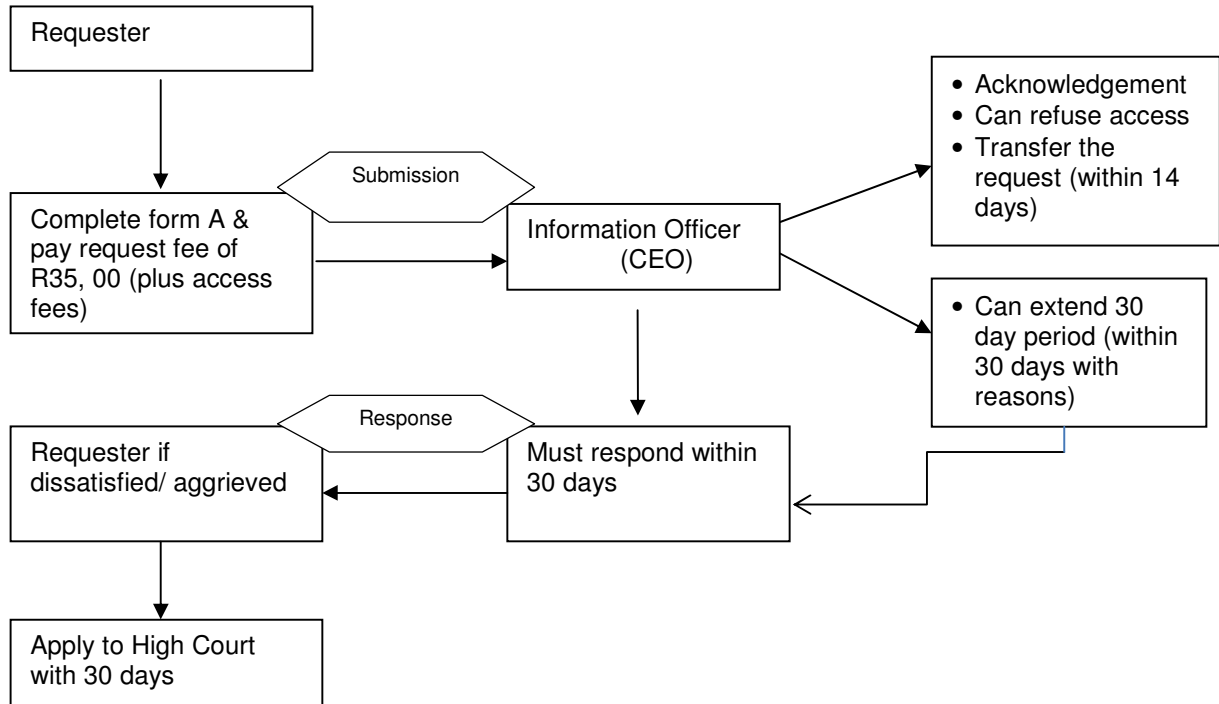
The Information Officer must upon receipt of request for information decide within a period of 30 days whether to grant the request for the record or not. The requester must be notified in writing of the decision as contemplated in section 18 (2) (e).

The Information Officer may extend the period of 30 days referred to in section 25 (1) for a further period of 30 days if the request is for a large number of records and/or consultation amongst divisions is required to gain access to records. The requester must be informed in writing of the reasons for the extension.

Should the request be granted, the Information Officer must before processing the request, inform the requester of the fees payable.

Should the Information Officer receive a request that should be dealt with by another public body, the Information Officer shall, within 14 days transfer the request to the relevant public body concerned and inform the requester accordingly.

PAIA request process map



7. GROUNDS FOR REFUSAL OF RECORDS

The Information Officer may, in certain circumstances, not be able to meet the request and if this is the case, the Information Officer will inform the requester in writing of the ground for refusal of the request. Sections 33-45 of the Act provides for grounds where access to a record must or may be refused. The Act also provides for the availability of records in the interest of the public in terms of section 46.

8. REMEDIES FOR NON-COMPLIANCE WITH THE ACT

If access to a record or any other relevant information is denied, Seda response will include:

- Adequate reasons for the refusal; and

- A requester that is dissatisfied with the Information Officer refusal to grant access to any information may, within 30 days of notification of the decision, the requester may apply to a court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request may, within 30 days of notification of the decision, apply to a court for relief.

9. FEES

The applicable fees are prescribed in terms of the Regulations promulgated under the Act. Please refer to form B.

REFERENCE

This manual has been drafted in accordance with:

1. South African Human Rights Commission guidelines
2. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
3. Republic of South Africa Government Gazette (Regulation gazette No. 7024)