



## **PAIA MANUAL - YES**

PREPARED IN TERM OF SECTION 51 OF THE PROMOTION OF ACCESS AND INFORMATION  
ACT, NO 2 OF 2000 "The ACT"

FOR

YOUTH EMPLOYMENT SERVICES (RF) NPC 2017/267631/08 "The Company"

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## 1 LIST OF ACRONYMS AND ABBREVIATIONS

**"CEO"** Chief Executive Officer

**"IO"** Information Officer;

**"Minister"** Minister of Justice and Correctional Services;

**"PAIA"** Promotion of Access to Information Act No. 2 of 2000 (as Amended);

**"POPIA"** Protection of Personal Information Act No.4 of 2013;

**"Regulator"** Information Regulator; and

**"Republic"** Republic of South Africa

## 2 INTRODUCTION

- 2.1 The promotion of Access to information Act, no 2 of 2000 (the Act) gives effect to the right of access to information in records held by public or private bodies that is required for the exercise or protection of any right as enshrined in the Bill of Rights in The Constitution of The Republic of South Africa (the Constitution). The Act sets out the requisite procedural issues attached to such request, the requirement with which such a request must comply as well as the grounds for refusal of such request.
- 2.2 The manual informs requesters of the procedural and other requirements with which a request must comply in terms of the Act.
- 2.3 The Act recognizes that the right to access of information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
  - a Limitations aimed at reasonable protection of privacy.
  - b Commercial confidentiality; and
  - c Effective, efficient, and good governance.
- 2.4 The right of access to information must also be balanced against any other rights contained in the Constitution.
- 2.5 Youth Employment Service (RF) NPC, a Non-Profit company, is incorporated according to the laws of South Africa.

## 3 PURPOSE OF PAIA MANUAL

- 3.1 This PAIA Manual is useful for the public to-

- a check the categories of records held by a body which are available without a person having to submit a formal PAIA request.
  - b have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject.

- c know the description of the records of the body which are available in accordance with any other legislation.
- d access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access.
- e know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- f know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- g know the description of the categories of data subjects and of the information or categories of information relating thereto.
- h know the recipients or categories of recipients to whom the personal information may be supplied.
- i know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- j know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

## 4 CONTACT DETAILS AND GENERAL INFORMATION

4.1 All requests for information in terms of the Act must be in writing and addressed to the Company Secretary of the Company as set out below:

Company name:	Youth Employment Service (RF) NPC
Registration Number:	2017/267641/08
Registered address:	4th Floor Rosebank Towers, 15 Biermann Avenue, Rosebank, 2196
Postal address:	4th Floor Rosebank Towers, 15 Biermann Avenue, Rosebank, 2196
Telephone number:	+27 087 330 0084
Email:	cosecone@fluidrockgovernance.com
Websites:	<a href="http://www.yes4youth.co.za">www.yes4youth.co.za</a>
CEO:	Ravi Naidoo
CIO:	Malcolm Mac Donald
COO:	Samantha Steyn
Company Secretary:	Fluid Rock

## 5 GUIDELINE IN TERMS OF SECTION 10 GUIDE ON HOW TO USE THE ACT

5.1 Guide on how to use the Act to obtain information is available in various languages from the South Africa Human Right Commission.

5.2 Please direct any queries to:

Postal address:	27 Stiemens Street, Braamfontein
Telephone:	+27 11 877-3600
Website:	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
E-mail:	<a href="mailto:GPComplaints@sahrc.org.za">GPComplaints@sahrc.org.za</a>
Whatsapp:	082 059 6520

## 6 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records available in terms of other legislation, as amended, are as follows:

- a Labour Relations Act 66 of 1995;
- b Employment Equity Act 55 of 1998;
- c Employment Equity Act 55 of 1998;
- d Basic Conditions of Employment Act 75 of 1997; and
- e Companies Act, 71 of 2008.

## 7 ACCESS TO RECORDS

7.1 Records that may be requested the following records of the Company may be available upon request:

- a PAIA Manual
- b Companies Act records;
- c Financial records;
- d Tax records;
- e Asset records;
- f Employment policies; and
- g Procurement records.

Note: that recording a category or subject matter in this manual does not imply that a request for access to such records would be honored. All requests for access will be evaluated on a case by case basis on their own merits, and the Company reserves the right to decline to grant access to records in accordance with the provisions of the Act.

7.2 Request procedures

- a Any person wishing to gain access to information (the request) must use the prescribed form (see form A hereto) to make the request for access to information.
- b The request must be made in writing and addressed to the Information Officer at the contact details set out in section 2 above.

7.3 The requester must:

- a Provide sufficient details on the request form to enable the Information Officer to identify the record and the requester;
- b Indicate in which form of access is required;
- c Specify a postal address or fax number within South Africa; and
- d Identify the right that the requester is seeking records is required for the exercise of that protection.

7.4 If a request is made on behalf of another person or company the requester must submit proof of the authority in which the requester is making the request to the satisfaction of the Company Secretary.

7.5 The Company Secretary will make a decision, in consultation with the Chief Executive Officer, whether to grant the request or to decline the request, and must notify the requestor in the required form.

7.6 If the request is granted, then access fees for any time that has exceeded the prescribed hours to search and prepared the record for disclosure.

7.7 If, after reasonable steps have been taken to find a record requested and same cannot be located or does not appear to exist, the Company will advise the requester accordingly.

## 8 WHEN ACCESS MAY BE REFUSED

The information contained in this section is a summary of the grounds upon which the Company is entitled to raise, as grounds for the refusal of access to its records. The information is intended to provide a requester with clarity as to the reasons why a request may be refused by the private body. The list is a summary of the grounds contained in Part 3, Chapter 4 of PAIA, and is by no means exhaustive.

8.1 Mandatory protection of privacy of a third party who is a natural person

- a The head of the Company must refuse a request for access to a record of that body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.
- b However, a record may not be refused if it consists of information:
  - About an individual who has consented in writing to the disclosure of the information;.
  - Already publicly available;.
  - Given to the Company by the individual to whom it relates, and that individual was informed by the private body before it is disclosed that the information belongs to a class of information that may already be publicly available;.
  - About an individual's physical or mental health, or well-being, who is under the care of the requester, and who is under the age of 18 years or incapable of understanding the nature of the request, and further if the disclosure would be in the individual's best interests;.

- About an individual who is deceased and the requester is the individual's next of kin, or is making the request with the written consent of the individual's next of kin;
- About an individual who is or was an official of the Company, and the information relates to the position or functions of the individual.

## 8.2 Mandatory protection of commercial information of a third party;

- a The head of the Company must refuse a request for access to a record of the company if it contains:
  - Trade secrets of a third party;
  - Financial, commercial, scientific or technical information of a third party, other than trade secrets, where the disclosure thereof would be likely to cause harm to the commercial or financial interests of that third party;.
  - Information supplied to the third party in confidence, and if disclosed would place the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.
- b However, a record may not be refused if it consists of information:
  - About a third party who has already consented in writing, to its disclosure to the requester;.
  - About the results of any product or environmental testing or other investigation supplied by the Company or the results of any such testing or investigation carried out on by or on behalf of the Company and its disclosure would reveal a serious public safety or environmental risk.

## 8.3 Mandatory protection of certain confidential information of a third party

### 8.4 The head of the Company must refuse a request for access to a record of that body, if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

## 8.5 Mandatory protection of safety of individuals, and protection of property

- a The head of the Company must refuse a request for access to a record of that body, if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- b The head of the Company may refuse a request for access to a record of that body if its disclosure would be likely to prejudice or impair:
  - The security of a building, structure, or system, including a computer or communication system; a means of transport or any other property;
  - The methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme;
  - the safety of the public or part of the public or the security of a building, structure, or system, including a computer or communication system, a means of transport or any other property.

#### 8.6 Mandatory protection of records privileged from production in legal proceedings

- a The head of the Company must refuse a request for access to a record of that body, if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege. Commercial information of the Company
- b The head of the Company may refuse a request for access to a record of that body if the record:
  - Contains trade secrets of the private body;
  - Contains financial, commercial, scientific or technical information, other than trade secrets of the private body, and the disclosure thereof would likely cause harm to the commercial or financial interests of that body;
  - Contains information, the disclosure of which could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations; or prejudice the body in commercial competition;
  - Is a computer programme as defined in the Copyright Act, No. 98 of 1978, which is owned by the private body, unless it is required to give access to a record in terms of PAIA.
- c However, a record may not be refused if it consists of information:
  - About the results of any product or environmental testing or investigation (excluding the results of preliminary testing or investigations conducted for developing methods of testing), carried out by or for the public body, and the disclosure thereof would reveal a serious public safety or environmental risk.

#### 8.7 Mandatory protection of research information of a third party, and protection of research information of the Company

- a The head of the Company must refuse a request for access to a record of that body, if the record contains information about research being carried out or to be carried out, by or on behalf of a third party, and if this were to be disclosed, it would be likely to:
  - Expose the third party or the person carrying out the research or will be carrying out the research on behalf of the third party, or the subject matter of the research, to a serious disadvantage.
  - The head of the Company may refuse a request for access to a record of that body, if the record contains information about research being carried out or about to be carried out, by or on behalf of the private body, and if this were to be disclosed, it would likely:
  - Expose the private body or the person carrying out the research or will be carrying out the research on behalf of the private body, or the subject matter of the research to a serious disadvantage.

#### 8.8 Mandatory disclosure in the public interest

- a Despite the above listed grounds for refusal, the head of the Company must grant a request for access to a record of that body if, the disclosure thereof would reveal evidence of: A substantial contravention of, or failure to comply with the law; or

- b An imminent and serious public safety or environmental risk; and the public interest in the disclosure of the record, outweighs the harm contemplated under the ground for refusal.

## 9 AVAILABILITY OF THE MANUAL

9.1 The Company manual is available for inspection free of charge at the registered address as set out in the contact details at 2 above. Furthermore, a copy is available from SAHRC (see contract details in 3 above) and on the Company website as set out in 2 above.

## 10 FEES

10.1 The Act provides for 2 kinds of fees:

- a Request fees- non-refundable administration fees by all requesters (except personal requesters); and
- b Access fee paid by all requesters only when access is granted. The fee is intended to reimburse the Company for the costs involved in searching for a records and preparing it for delivery to the requester.

10.2 The Company may withhold the record until the request fee and the deposit in terms of section 8 hereof (if applicable) have been paid.

10.3 A requester who seeks access to a record containing personal information about that requester (personal requester) is not required to pay the request fee.

10.4 Every other requester, who is not a personal requester, must pay the required fee (refer 8.2)

10.5 The fees payable are as follows:

The fee for a copy of the manual in terms of regulation 9(2) (c) is R1.10 for every photocopy of an A4 page or part thereof

The fees for reproduction referred to in regulation 11 (1) are as follows:

For every photocopy of an A4 page or part thereof R1.10

For every printed copy of an A4 page thereof held on a R0.75 computer or in electronic or machine readable form

For a copy in a computer readable form on Compact R70.00

Disc/ flash disk

For transcription of visual images, for an A4 page or R40.00 page thereof

For a copy of visual images R60.00

For transcription of audio records, for an A4 page or R60.00 page thereof

For a copy of an audio record R30.00

The requester fee payable by a requester, other than a R50.00 personal requester, is

The access fees payable by a requester referred to in regulation 11(3) are as follows:

For every photocopy of an A4 page or part thereof R1.10

For every printed copy of an A4 page thereof held on a R0.75 computer or in electronic or machine readable form

For a copy in a computer readable form on Compact R70.00

Disc/ flash disk

For transcription of visual images, for an A4 page or R40.00 page thereof

For a copy of visual images R60.00

For transcription of audio records, for an A4 page or R20.00 page thereof

For a copy of an audio record R30.00

To search for and prepare a record for disclosure, for R30.00 p/h each hour or part thereof reasonably required for such search and preparation

Actual postage is payable when a record must be posted to a requester

## 11 DEPOSIT

11.1 In accordance with 54 (2) of the Act, The Company may require a deposit in access where searching for a record exceeds 6 hours. The deposit will represent one third of the access fees payable by the requester.

## 12 RIGHT OF APPEAL

12.1 A requester that is dissatisfied with the Information Officer's refusal to grant access to any information may:

- a Within 30 days of being informed that the request was not granted lodge an internal appeal; or
- b Within 30 days of notification of the decision apply to court for relief.

12.2 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 court for relief.

## 13 PRESCRIBED FORMS

13.1 See Form A attached

## A FORM A - REQUEST FOR ACCESS TO RECORD

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 .....

Mark with an "X"

X	Requestor
	Request is made in my own name
	Request is made on behalf of another person.

### 1 PERSONAL INFORMATION

Full names	
Identity number	
Capacity in which request is made (when made on behalf of another person)	
Postal Address	
Street Address	
E-mail address	

Contact numbers	
Tel (W)	
Mobile	

Full names of person on whose behalf request is made (if applicable)	
Identity number	
Postal Address	
Street Address	
E-mail address	

Contact numbers	
Tel (W)	
Mobile	

## 2 INFORMATION REQUESTED

**PARTICULARS OF RECORD REQUESTED**  
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.)

Description of record or relevant part of the record

Reference number, if available:

Any further particulars of record:

### X TYPE OF RECORD (Mark the applicable box with an "X")

<input type="checkbox"/>	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

### X FORM OF ACCESS (Mark the applicable box with an "X")

<input type="checkbox"/>	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)

**X MANNER OF ACCESS (Mark the applicable box with an "X")**

	Personal inspection of record at registered address of public/private body (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)
	Postal services to postal address
	Postal services to street address
	Courier service to street address
	Facsimile of information in written or printed format (including transcriptions)
	E-mail of information (including soundtracks if possible)
	Preferred language: (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)

**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED** 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.

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

**3 FEES**

A request for access to a record, other than a record containing personal information about yourself, will a) be processed only after a request fee has been paid. You will be notified of the amount required to be paid as the request fee. The fee payable for access to a record depends on the form in which access is required and the a) reasonable time required to search for and prepare a record. If you qualify for exemption of the payment of any fee, please state the reason for exemption

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	
Electronic Communication (Please specify)	

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

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

#### **4 FOR OFFICAL USE**

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

Signature of Information Officer. ....