

Promotion of Access to Information Act Manual



**Prepared in terms of
section 51 of the Promotion
of Access to Information
Act 2 of 2000 (as amended)
(PAIA).**

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1. Introduction

- 1.1. On 9 March 2001, the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") gave effect to Section 32(2) Constitutional Right of Access to Information. One of the main requirements specified in the Act is the compilation of an Access to Information Manual.
- 1.2. As the PSA, we respect your right of access to information. This document is our 'Promotion Access to Information Act Manual' (PAIA Manual). This Manual provides reference to the records held by PSA and the process to request access to such records. PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest. These details are outlined in this Manual.
- 1.3. PSA has also developed a Privacy Policy in accordance with Section 18 of the Protection of Personal Information Act, 4 of 2013 ("POPIA") which may be accessed on our website. This Manual and the Privacy Policy must be read in conjunction with each other.
- 1.4. All requests made in terms of the Promotion of Access to Information Act and the Protection of Personal Information Act should be directed to Deputy Information Officers who have been appointed to deal with these requests. Requests in terms of the PAIA shall be dealt with in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraph 13 below.

2. Structure and functions of the PSA

The PSA (Public Servants Association of South Africa) is a registered trade union at the forefront of labour developments. The PSA is the largest, politically non-affiliated, fully representative union in the Public Service. With a proud history of more than a century of service to its members, the PSA represents more than 200 000 public servants, Public Service pensioners and employees of semi-state institutions.

The PSA's conduct is aimed at achieving the Union mission, guided by the values of **loyalty, transparency, respect, ethical conduct, consistency, and service excellence**. As a trade union, the PSA's principal purpose is to regulate the relationship between employers and employees. The PSA creates a collective bargaining leverage for its members and provides a service to them by:

- Negotiating fair terms of remuneration and representing their interests in a variety of bargaining councils.
- Protecting their service benefits, such as medical aid, pension schemes and housing subsidies.
- Addressing issues such as fair and reasonable working conditions, hours of work and leave entitlements.
- Protecting the rights of its members by harnessing its professional, legal resources to defend them in situations of unfair labour practice or infringement of constitutional rights.

The PSA has a national (Head) office in Pretoria and has provincial offices in all provinces of the country. The PSA has a Board of the PSA consists of the President, Chairperson and six (6) non-executive directors. It is headed by the General Manager who is supported by Deputy General Managers who head the two main directorates of Members' Affairs and Management Services respectively.

3. Purpose of the PAIA Manual

This PAIA Manual is useful for the public to:

- 3.1 check the categories of records held by PSA which are available without a person having to submit a formal PAIA request;
- 3.2 have a sufficient understanding of how to make a request for access to a record of PSA, by providing a description of the subjects on which PSA holds records and the categories of records held on each subject;
- 3.3 know the description of the records of PSA which are available in accordance with any other legislation;
- 3.4 access all the relevant contact details of the Information Officer and Deputy Information Officers who will assist the public with the records they intend to access;
- 3.5 know the description of the guide on how to use PAIA, as updated by the Information Regulator and how to obtain access to it;
- 3.6 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;
- 3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9 know if PSA 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
- 3.10 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. Our contact details

4.1 The Public Servants Association of South Africa (PSA) is a registered trade union that represents public sector employees.

4.2 Our details are as follows:

- **Company name:** Public Servants Association of South Africa (NPC)
- **Registration number:** 1942/015415/08
- **Postal address:** PO Box 40404, Arcadia, 0007
- **Physical address:** 563 Belvedere Street, Arcadia, Pretoria, 0007
- **Phone number:** (012) 303-6500
- **Fax number:** (012) 303-6652/3
- **General Manager:** Mr. Reuben Maleka
- **Information officer:** Mr. Reuben Maleka
- **Information officer email:** reuben.maleka@psa.co.za

- **Deputy Information officer:**
 - **Ms. Madelain Muller**
 - **Deputy Information officer email:** madelain.muller@psa.co.za
 - **Deputy Information officer:** Claude Naiker
 - **Deputy Information officer email:** claudenaiker@psa.co.za
- 4.3 To learn more about PSA you can visit our **Website:** <https://www.psa.co.za/>
- 4.4 **Access to information contact email address:** info_officer@psa.co.za

5. Information Regulator Guide

- 5.1 A Guide has been compiled in terms of Section 10 of PAIA Act by the Information Regulator. It contains information to assist a person wishing to exercise a right in terms of PAIA and POPIA. The Guide is updated from time to time.
- 5.2 The Guide is available in each of the official languages and in braille.
- 5.3. The aforesaid Guide contains the description of-
- 5.3.1. the objects of PAIA and POPIA;
 - 5.3.2. the postal and street address, phone, and fax number and, if available, electronic mail address of-
 - 5.3.2.1. the Information Officer of every public body, and
 - 5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
 - 5.3.3. the manner and form of a request for-
 - 5.3.3.1. access to a record of a public body contemplated in section 11; and
 - 5.3.3.2. access to a record of a private body contemplated in section 50;
 - 5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 5.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 5.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging
 - 5.3.6.1. an internal appeal;
 - 5.3.6.2. a complaint to the Regulator; and
 - 5.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
 - 5.3.7. the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 5.3.8. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 5.3.9. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
 - 5.3.10. the regulations made in terms of section 92 of PAIA.

- 5.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 5.5. The Guide can also be obtained-
- 4.5.1. upon request to the Information Officer
- 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 5.6. A copy of the Guide is also available in English and Zulu for public inspection during normal office hours.
- 5.7. The Guide, and any amendments thereto, form part of this Manual.
- 5.8. Any further queries regarding the Guide may be directed to the Information Regulator (SA). Their contact details are as follows:
- **Postal address:** P.O Box 31533, Braamfontein, Johannesburg, 2017
 - **Physical address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
 - **General e-mail:** enquiries@inforegulator.org.za
 - **Complaints email:** PAIAComplaints@inforegulator.org.za
 - **Website:** <https://www.inforegulator.org.za>
 - **Forms:** <https://www.inforegulator.org.za/docs2-f.html>

6. Information and records we hold to comply with the law

PSA is required by law, in the conduct of its day-to-day business and as a matter of standard practice and good governance to keep records. We hold records and information to fulfil our primary function and in terms of the following main laws, among others:

- Basic Conditions of Employment Act 75 of 1997;
- Broad Based Black Economic Empowerment Act No. 53 of 2003;
- Companies Act 61 of 1973;
- Companies Act 71 of 2008;
- Compensation for Occupational Injuries and Disease Act 130 of 1993;
- Consumer Protection Act 68 of 2008;
- Copyright Act 98 of 1978;
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Financial Intelligence Centre Act 38 of 2001;
- Income Tax Act 58 of 1962;
- Labour Relations Act 66 of 1995;
- National Credit Act No.34 of 2005
- Occupational Health and Safety Act 85 of 1993;
- Promotion of Access to Information Act No. 2 of 2000
- Protection of Personal Information Act 4 of 2013;
- Public Administration Management Act 11 of 2014;
- Public Service Act 103 of 1994;
- Public Service Amendment Act 30 of 2007;

- Public Service Regulations, 2016;
- Regulation of Interception of Communications and Provision of Communication related Information Act 70 of 2002;
- Skills Development Act 97 of 1998;
- Skills Development Levies Act 9 of 1999;
- Unemployment Insurance Act 63 of 2001; and
- Value Added Tax Act 89 of 1991.

6.1 Records we hold

The subjects and categories below are of records we hold as a matter of standard practice and is intended to serve as a guide only and are by no means exhaustive.

These records are:

- **Company records;**
- **Business records;**
- **Financial records;**
- **Insurance records;**
- **Personnel records;**
- **Policies and directives;**
- **Agreements or contracts;**
- **Regulatory documents;**
- **Published information;**
- **Member information;** and
- **Reference materials.**

The itemising of the subjects and categories above is also not an indication that all the information is available for public consumption nor does not imply that a request will automatically be granted. Please note that records that are 'not automatically available,' must be requested using the process outlined in the 'How to request access' section from page 8-11 below.

All requests for access will be evaluated on a case-by-case basis on their own merits due consideration will be made. PSA also reserves the right to decline to grant access in accordance with the law.

Information that is automatically available without having to make a request in the prescribed form is itemised below and includes all information contained on the PSA Website, its brochures, articles newsletters, and publications for public consumption.

6.2 Company Records

Company records are all our records related to the incorporation and administration of our company. Some of them are available from the Companies and Intellectual Property Commission (CIPC).

Memorandum of incorporation	Automatically available on website
Directors' names	Automatically available on website
Documents of incorporation	Automatically available from CIPC
Minutes of Board of Directors' meetings	Not automatically available
Written resolutions	Not automatically available
Records relating to appointment of directors, auditor, secretary, public officer, or other officers	Not automatically available
Other statutory records	Not automatically available

6.3 Business records

Business records include any documents that have economic value to the business.

Operational records	Not automatically available
Databases	Not automatically available
Published works	Not automatically available
Internal correspondence	Not automatically available
Product records	Not automatically available

6.4 Financial records

Financial records are all our records related to our finances.

Financial statements	Not automatically available unless a member
Tax returns	Not automatically available
Other documents relating to taxation of the company	Not automatically available
Auditor's report	Not automatically available unless a member
Accounting records	Not automatically available
Banking records	Not automatically available
Banking details	Automatically available on request
Bank statements	Not automatically available
Asset register	Not automatically available
Rental agreements	Not automatically available
Invoices	Not automatically available
Financial agreements	Not automatically available

6.5 Insurance records

Insurance records are all our records related to our insurable assets.

Insurance policies held by the company	Not automatically available
Register of all immovable property owned by the company	Not automatically available

6.6 Tax and Levy records

Income tax records are all our records related to our income tax obligations.

PAYE records	Not automatically available
Corporate tax records	Not automatically available
Documents issued to employees for income tax purposes	Not automatically available
Records of payments made to SARS on behalf of employees	Not automatically available
VAT records	Not automatically available
Regional services levies	Not automatically available
Skills development levies	Not automatically available
UIF	Not automatically available
Workmen's compensation	Not automatically available

6.7 Personnel records

Personnel records are all our records about anyone who works for us, provides services to us, or provides services on our behalf and who receives or is entitled to receive remuneration, including our employees, contractors, and other personnel.

List of employees	Not automatically available
Employee personal information	Not automatically available
Employee employment contracts	Not automatically available
Employment policies and procedures	Not automatically available
Employment equity plan	Not automatically available
Medical aid records	Not automatically available
Pension and provident fund records	Not automatically available
Salaries of employees	Not automatically available
Leave records	Not automatically available
Internal evaluations	Not automatically available
Disciplinary records	Not automatically available
Disciplinary codes	Not automatically available

Training records	Not automatically available
Operating manuals	Not automatically available
Personal records provided by personnel	Not automatically available
Other statutory records	Not automatically available
Related correspondence	Not automatically available

6.8 Policies and directives

Policies and directives include both internal and external documents.

Internal relating to employees and the company	Not automatically available
External relating to members and other third parties	Not automatically available
Information technology systems and documents	Not automatically available

6.9 Agreements or contracts

Agreements or contracts include the documents themselves and all related documents.

Standard agreements	Not automatically available
Contracts concluded with members	Not automatically available
NDAs	Not automatically available
Letters of intent, MOUs	Not automatically available
Third party contracts	Not automatically available
Supplier contracts	Not automatically available

6.10 Regulatory documents

Regulatory documents include any documents required to comply with any laws.

Permits	Not automatically available
Licenses	Not automatically available
Authorities	Not automatically available

6.11 Published information

Published information includes any document that we prepare and produce.

External newsletters and circulars	Automatically available
Internal newsletters and circulars	Not automatically available
Information on the company published by third parties	Not automatically available

6.12 Member information

Member's information includes any information about anyone that is a member of the trade union.

Member details	Not automatically available
List of members	Not automatically available
Communications with members	Not automatically available
Member records	Not automatically available
Attendance registers of meetings	Not automatically available
Meeting minutes	Not automatically available
Records of subscriptions	Not automatically available
Levies paid by members	Not automatically available
Transactional information	Not automatically available
Marketing records	Not automatically available

6.13 Reference materials

Reference materials include any sources of information that we contribute to.

Books	Not automatically available
Newsletters	Not automatically available
Magazines	Not automatically available
Newspaper articles	Not automatically available

7. How we process and protect personal information

In accordance with POPIA, we process personal information of various categories of people as set out in this clause to provide services to our members and to maintain our business operations.

7.1 Categories of people

Some of the key categories of people whose personal information we process are the following:

- members;
- potential members;
- employees, including of contract workers and interns;
- recruiters and medical practitioners providing services related to employees;
- investment company providing services related to employees;
- contractors, vendors, or suppliers;
- debtors and creditors; and
- directors.

7.2 Categories of personal information

We process many different categories of personal information, which include but is not limited to:

- contact details, such as phone numbers, physical and postal addresses, and email addresses;
- personal details, such as names and ages;
- demographic details, such as races and age groups;
- health information;
- biometric information;
- account numbers;
- background information;
- contract information;
- credit information;
- market intelligence information; and
- debt and debtor information.

7.3 Third-Party disclosures

We may give the following people personal information that we process in the ordinary course of business to fulfil our function, our obligations in contract or in law:

- contractors, vendors, or suppliers;
- agents, distributors, or other resellers;
- operators, other responsible parties, or co-responsible parties; and
- third party vendors (such as software developers) to help us maintain our services.

7.4 Trans-border flows of Personal Information

We do not send personal information outside of South Africa.

7.5 Security

We secure our data by maintaining reasonable measures to protect personal information from loss, misuse, and unauthorized access, disclosure, alteration and destruction. We also take reasonable steps to keep personal information accurate, current, complete, and reliable for its intended use.

For more information, please refer to PSA's Privacy Notice, on its website, which is updated from time to time.

8. How to request access to information

- 8.1 All requests for access made in terms of the PAIA and POPIA should be addressed to The Information Officer and emailed to: info_officer@psa.co.za. This is a dedicated email that has been set up for requests for access to information from PSA.
- 8.2 For access to a record, please submit the completed Access Request Form (Prescribed PAIA Form 2) to our Deputy Information Officer through the dedicated email address together with the relevant access fee.
- 8.3 Please ensure that the completed form:
 - has enough information for the information officer to identify you, the requested records, and which form of access you require;
 - specifies your email address, postal address, or fax number;
 - describes the right that you seek to exercise or protect;
 - explains why you need the requested record to exercise or protect that right;
 - provides any other way you would like to be informed of our decision other than in writing; and
 - provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).
- 8.4 If you do not use the standard form, we may:
 - reject the request due to lack of procedural compliance;
 - refuse it if you do not provide sufficient information; or
 - delay it
 - request further information
 - elect to deal with the matter as we see legally appropriate
- 8.5 Should the requester be illiterate or have a disability that prevents him/her from completing the form, or the form has to be completed orally the Information Officer will complete Form 2 on behalf of the requester and provide a copy thereof to the requester.

9. How we will give you access

- 9.1 We will evaluate and consider all requests to us. If we approve your request for access to our records, then we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.
- 9.2 We will notify you in writing whether your request has been approved or denied within 30 calendar days after we have received a completed request for access form.
- 9.3 If the request is for a large volume of information and the information cannot be reasonably obtained within the original 30-day period PSA will notify the requestor in writing should an extension be sought.
- 9.4 If we cannot find any requested record or it does not exist, then we will notify you by way of affidavit that it is not possible to give access to that particular record.

10. Grounds for refusal

10.1 It is important to note that the successful completion and submission of an access request form does not automatically allow or guarantee the requester access to the requested records. An application for access to a record is subject to certain limitations if the requested record protects certain rights and falls within a certain category as specified with Part 3 and Chapter 4 of the PAIA.

10.2 This means that we may have to refuse you access to certain records. The primary grounds for refusing a request are as follows (however other reasons may exist):

- Mandatory protection of the privacy of a third party, which would involve the unreasonable disclosure of personal information to that natural person. For all intents and purposes personal information is as defined by POPIA.
- Mandatory protection of the commercial and confidential information of a third party, if the record contains:
 - trade secrets of that party;
 - financial, commercial, or technical Information which disclosure would likely cause harm to the financial or commercial Interests of that party;
 - information disclosed in confidence by a third party to the company;
 - mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - mandatory protection of the safety of individuals and the protection of property;
 - mandatory protection of records which could be regarded as privileged in legal proceedings.
- The commercial activities of PSA, which may include:
 - trade secrets of PSA;
 - financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of PSA.
- If the records cannot be found or do not exist and all reasonable steps have been taken to find the record requested, the head of a private body by way of affidavit or affirmation, is required to notify the requester that it is not possible to give access to that record and set out the steps taken to find the record in question or to determine whether the record exists, as the case may be, including all communications with every person who conducted the search on behalf of the head.
- If, after the said notice is given and the record in question is found, the requester concerned must be given access to the record, unless access is refused on any other grounds.

11. How much it will cost you

- 11.1 If the request for access is granted, and before the processing of the request, an access fee may be required for the search, reproduction and/or preparation of the records and this fee will be calculated based on the Prescribed Fees, as gazetted from time to time. Please see the Information Regulator's website for the updated prescribed fees.
- 11.2 The Information Officer will also inform the requester of such amount and the process that needs to be followed to fulfil this requirement. The Information Officer may also request a deposit of up to one third of the access fee.
- 11.3 If a deposit has been paid in respect of a request for access which is refused, then the Information Officer must refund the deposit to the requestor.
- 11.4 You must pay us the fees before we will hand over any information. You may have to pay a further access fee if we grant the request for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

12. Lodging of Complaints

- 12.1 Should a requester be unsatisfied with the decision, a complaint may be lodged in writing on a Form that corresponds substantially with Form 5 of Annexure A to the Regulations, to the Information Regulator.

13. Availability of this Manual

- 13.1 This manual is available in English and will be available on our website, and at our company offices. The manual is also electronically available on our website at: <https://www.psa.co.za/>.
- 13.2 All forms and fees required for PAIA and POPIA requests even if not specifically mentioned in the Manual may also be found on the Information Regulator website at <https://inforegulator.org.za/paia-guidelines/>.

14. Updates to this Manual

- 14.1 This manual shall, where necessary, be updated from time to time.

Issued by



Mr. Reuben Maleka
General Manager