

# **Promotion of Access to Information Act Manual**

**The Promotion of Access to Information Act, No 2 of 2000**

**Section 51 (as amended)**

**for**

**Careers Staff Selection cc**

**Company Registration 1996/013035/23**

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# Promotion of Access to Information Act Manual

## 1. Description of the PAIA and POPIA Acts

The Promotion of Access to Information Act, No2 of 2000 ("the Act") was enacted on 3 February 2000, giving effect to the constitutional rights of access to any information held by the state and any information that is held by another person, a private or public body, and that is required for the exercise or protection of any rights.

The Protection of Personal Information Act includes to promote the protection of personal information processed by public and private bodies and to introduce certain conditions to establish minimum requirements for the processing of personal information.

Section 51 of the PAIA Act requires that Careers Staff Selection cc compile a manual that provides information to the public regarding the procedure to be followed when requesting information from the company for the purpose of exercising and / or protecting rights.

Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to the request. The Act is read in conjunction with the Protection of Personal Information Act 4 of 2013.

## 2. Purpose

This manual sets out the procedure to be followed when requesting access to personal information from private bodies, the requirements with which such a request must comply and the grounds for refusal, in terms of the Act.

Access to information cannot be unlimited and is subject to justifiable limitations as prescribed by Section 9 of the Act. These include, but are not limited to:

- Limitations aimed at the reasonable protection of privacy
- Commercial confidentiality
- Effective, efficient and good governance, and
- in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

## 3. Introduction

Careers Staff Selection cc is a private company in the Professional Business Sector that provides recruitment services to job seekers. The company is registered with the Department of Labour as a personnel agency and temporary employment service provider.

#### 4. Company Contact Details

All requests for information in terms of the Act must be in writing and addressed to the Information Officer as set out below: -

Careers Staff Selection cc  
60 Great North Road  
Brentwood Park  
Benoni  
1501  
011 894 6791  
[Career@global.co.za](mailto:Career@global.co.za)

#### 5. Information Officer Details

Bianca Knoetze	Information Officer	071 985 4356	<a href="mailto:payroll@careerstaff.co.za">payroll@careerstaff.co.za</a>
Phyllis Dias	Deputy IO	083 229 3630	<a href="mailto:phyllis@careerstaff.co.za">phyllis@careerstaff.co.za</a>

#### 6. Guide on how to use PAIA and how to obtain access to the guide

- The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- The Guide is available in each of the official languages and in braille.
- The aforesaid Guide contains the description of-
  - the objects of PAIA and POPIA;
  - the postal and street address, phone and fax number and, if available, electronic mail address of-
    - the Information Officer of every public body, and
    - every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA ;
  - the manner and form of a request for-
    - access to a record of a public body contemplated in section 11; and
    - access to a record of a private body contemplated in section 50;
  - the assistance available from the IO of a public body in terms of PAIA and POPIA;
  - the assistance available from the Regulator in terms of PAIA and POPIA;
  - 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-
    - an internal appeal;
    - a complaint to the Regulator; and
    - 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;
  - 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;
  - the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
  - the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and

- the regulations made in terms of section 92.
- 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.
- The Guide can also be obtained-
  - upon request to the Information Officer;
  - from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).
- A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
  - English
  - Afrikaans

## **7. Applicable Legislation**

Basic Conditions of Employment Act 75 of 1997  
 Compensation of Occupational Injuries and Diseases Act 130 of 1993  
 Companies Act 71 of 2008  
 Constitution of the Republic of South Africa No 3 of 1994  
 Health Act 63 of 1977  
 Income Tax Act 58 of 1962  
 Employment Equity Act 55 of 1998  
 Employment Services Act 4 of 2014  
 Labour Relations Act 66 of 1995  
 Occupational Health and Safety Act 85 of 1993  
 Promotion of Access to Information Act 2 of 2000  
 Protection of Personal Information Act 4 of 2013  
 Skills Development Act 97 of 1998  
 Skills Development Levies Act 9 of 1999  
 South African Revenue Services Act 34 of 1997  
 Unemployment Insurance Act 63 of 2001  
 Value-Added Tax Act 89 of 1991

## **8. Schedule of Records**

The following is a list of records the company holds for Job Seekers:

- Curriculum Vitae / Resume provided by the job-seeker
- Verifications provided by third parties

The following is a list of records the company holds for Employees:

- Employment records
- Payroll records
- Conditions of employment
- Statutory records
- Internal evaluation records
- Training schedules
- Verifications provided by third parties

The following is a list of records the company holds for business partners:

- Service Level Agreements
- Pricing Agreements
- Internal policies and procedures
- Customer databases

Note that recording a category or subject matter in this manual does not imply that a request for access to such records would be honoured. 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.

## **9. Processing of Personal Information**

Careers Staff Selection cc collects, stores and processes personal information pertaining to data subjects including its employees, suppliers, clients, job seekers and other stakeholders. The type of information collected and processed will depend on the purpose for which it is collected and will be processed for that scope of application only. Whenever appropriate, the company will inform the data subject of the information required, the purpose thereof, the rights of participation and the other relevant provisions contained at law.

## **10. Information Security Measures**

Safeguards have been implemented to mitigate the identified risks. These safeguards are monitored on a regular basis and updated as necessary where deficiencies are identified.

The following safeguards are implemented:

- Internal policies
- Antivirus
- Firewalls
- Access controls
- Confidentiality agreements in employment contract

## **11. Planned transborder flows of personal information**

CAREERS STAFF SELECTION CC will not transfer personal information about a data subject to a third party who is in a foreign country

## **12. Request Process**

When requesting access to records from a private body as prescribed by Section 53 (1) of the PAIA Act, 2000 (Act No. 2 of 2000), Regulation 7, the requester is required to complete and submit Form 2, which is attached to this manual marked "Annexure A",

The requester must comply with all the procedural requirements contained in the Act and submit Form 2 to the company's Information Officer or the Deputy Information Officer, at the company's premises or by electronic mail. All requests will be responded to within 30 days of receiving the request.

If access to a record or information is granted, the company will respond with an indication of the access fee that is payable and referred to in Section 52 (3) and 54 (7) of the Act. Kindly refer to **Fees** in this manual.

## **13. Grounds for Refusal of Access**

All requests for access to records and / or information 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 Section 23 (4) (a):

- Mandatory protection of the privacy of a third party who is a natural / juristic person, which would involve the unreasonable disclosure of such personal information
- Mandatory protection of the commercial information of a third party where such records contain trade secrets of the third party
- 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 would be regarded as privileged in legal proceedings
- The commercial activities of the company itself which may include trade secrets, financial and commercial information, which if disclosed could likely cause harm to the company's financial or commercial interests, or could put the company at a disadvantage in negotiations or commercial competition
- Requests to access a record that contains information about a third party will be shared with the third party to inform them of the request and to give them the opportunity to respond by either consenting to access or to provide reasons why access is denied.

The company does not have an internal appeal procedure. Any decision made by the Information Officer is final. A requester may apply to a court of law for relief.

## 14. Fees

The fees are prescribed by the Minister of Justice and Constitutional Development and the Act provides for two kinds of fees:

- Section 54 (1) a "request" fee and
- Section 52 (3) and 54 (7) an "access" and / or "reproduction" fee
- The non-refundable "request" fee is payable on submission of the request unless the request is personal in which event there is no fee payable.
- The access fee is payable prior to receiving the record and / or information requested when access is granted.

## 15. Availability of the Manual

- A copy of the Manual is available-
  - head office of Careers Staff Selection cc for public inspection during normal business hours;
  - to any person upon request and upon the payment of a reasonable prescribed fee; and
  - to the Information Regulator upon request.
- A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

## 16. Updating of the manual

The Head of Careers Staff Selection cc will on a regular basis update this manual.

## 17. Disclaimer

The manual does not allege to comprehensively deal with every procedure provided for in the act. A requester is advised to familiarize themselves with the provisions of the Act prior to submitting a request.

Date	23 October 2021
Revision Date	29 October 2021
Revised by	Phyllis Dias Bianca Knoetze

## FORM 2

# REQUEST FOR ACCESS TO RECORD OF CAREERS STAFF SELECTION CC

[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  
Mrs Bianca Knoetze  
60 Great North Road  
Brentwood Park  
Benoni  
1501

E-mail address: [payroll@careerstaff.co.za](mailto:payroll@careerstaff.co.za)

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. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made ( <i>if applicable</i> ):			
Identity Number			



Postal Address	
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Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

**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	

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

Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

<b>FORM OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> <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>	
Cloud share/file transfer	
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>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
<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:	

<b>FEES</b>	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
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**

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**FOR OFFICIAL 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**