



Western Cape
Government

FOR YOU

PAIA MANUAL TEMPLATE 2021

Promotion of Access to Information (PAIA) Manual, 2021 compiled in terms of section 14 of the Promotion of Access to Information Act, 2000 (as amended) for the Western Cape Education Department

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1. List of acronyms and abbreviations

1.1.	"DIO"	Deputy Information Officer
1.2.	"DoTP"	Department of the Premier
1.3.	"HOD"	Head of Department
1.4.	"IO"	Information Officer
1.5.	"MEC"	Member of the Executive Committee
1.6.	"PAIA"	Promotion of Access to Information Act, 2000
1.7.	"PFMA"	Public Finance Management, 1999
1.8.	"POPIA"	Protection of Personal Information Act, 2013
1.9.	"PSA"	Public Service Act, Proclamation 103 of 1994
1.10.	"Regulator"	Information Regulator
1.11.	"the Constitution"	Constitution of the Republic of South Africa, 1996
1.12.	"WCG"	Western Cape Government
1.13.	"WCED"	Western Cape Education Department

2. Purpose of the PAIA Manual

This PAIA Manual is useful for the public to-

- 2.1. check the nature of the records which may already be available at Western Cape Education Department, without the need for submitting a formal PAIA request.
- 2.2. understand how to make a request for access to a record of the Western Cape Education Department.
- 2.3. obtain all the relevant contact details of the persons who will assist the public with the records they intend to access.
- 2.4. be aware of all the remedies available from the Western Cape Education Department regarding a request for access to the records, before approaching the Regulator or the Courts.
- 2.5. obtain a description of the services available to members of the public from the Western Cape Education Department, and how to gain access to those services.
- 2.6. obtain a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 2.7. know if the Western Cape Education Department 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.
- 2.8. know if the Western Cape Education Department 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.
- 2.9. know whether the Western Cape Education Department has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. Establishment of the Western Cape Education Department

The Western Cape Education Department is a provincial structure within the public service which is established in terms of section 197 of the Constitution. The PSA which gives effect to section 197 of the Constitution provides in section 7 thereof for provincial departments.

3.1 Objectives/Mandate

Objectives:

Quality education for every learner in every classroom in every school in the province. In realising the vision, the department will focus on the following policy priorities:

1. Strengthen and Expand quality learning opportunities for enhanced performance;
2. Enhance and Expand enabling learning environments;
3. Strengthen functionality and accountability; and
4. Strengthen and Enhance innovative adaptability and preparedness for changing context.

The mission of the WCED is to ensure that: Every child has quality learning opportunities in a functional and enabling environment to acquire knowledge, competencies, skills and values to succeed in a changing world.

Mandate:

Constitutional mandate

The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996):

Section 29 guarantees that everyone has the right to basic education, including adult basic education; everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable, and that everyone has the right to establish and maintain, at their own expense, independent educational institutions that do not discriminate on the basis of race, are registered with the state, and maintain standards that are not inferior to standards at comparable public educational institutions. The state, with all its organs, has the duty to respect all fundamental rights, and is enjoined in terms of section 7(2) of the Constitution to promote and fulfil the rights enunciated in the Bill of Rights, in Chapter 2.

Legislative and policy mandates

The Western Cape Education Department (WCED), as an organ of state, fulfils the obligations imposed upon it within the context of the concurrent law-making competence conferred by the Constitution on parliament and provincial legislatures to regulate education at all levels excluding tertiary education (Part A of Schedule 4 to the Constitution). The following national and provincial legislative enactments are instructive:

The National Education Policy Act), 1996 (NEPA (Act 27 of 1996):

This Act provides for the determination of national education policy for planning, provision, financing, co-ordination, management, governance, programmes, monitoring, evaluation and wellbeing of the education system by the Minister, subject to the competence of the provincial legislatures in terms of section 146 of the Constitution, principles listed in section 4 of the Act, and the relevant provisions of provincial law relating to education. It further provides for consultative structures for the determination of national education policy and legislation in the form of the Council for Education Ministers (CEM), Heads of Education Departments Committee (HEDCOM), and other consultative bodies on any matter the Minister may identify, as stated in section 11 of the Act and, where applicable, the Education Labour Relations Council.

The South African Schools Act, 1996 (SASA) (Act 84 of 1996):

This Act applies to all school education in the Republic of South Africa. Its purpose is to give effect to the constitutional right to education. Subject to this Act and any applicable provincial law, every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first. This Act outlaws any form of discrimination, it seeks to redress past injustices in the provision of education and to provide education of a progressively high quality for all learners.

In terms of the Act, three partners oversee the operations of schools:

- i) The national government represented by the Minister of Basic Education whose primary role is to determine national policy, subject to the provisions of the Constitution, the provisions of the Act and taking into account the competency of the provincial legislature;
- ii) the provincial government which acts through the Provincial Minister for Education. The Provincial Minister bears the obligation to provide public schools and, together with the Head of Department, exercises executive and administrative control over public schools through principals; and
- iii) governing body in which the governance of the schools is vested on condition that they only preform such functions and obligations and exercise only such rights as prescribed by SASA.

A draft Basic Education Laws Amendment Bill published by the Minister of Basic Education in Government Gazette 41178, Notice 1101 dated 13 October 2017, proposes amendments to this Act.

The Western Cape Provincial School Education Act, 1997 (Act 12 of 1997) as amended in 2018: Amendments to the Act promulgated in 2018, made provision for:

- the establishment of an evaluation authority to be known as the Western Cape School Evaluation Authority (or "SEA"), which is intended to improve the school quality assessment and establish a new SEA in the Western Cape to conduct independent evaluations of school quality that are credible, transparent and effective in enabling school improvement in the province. The outcomes of these assessments are published.
- Collaboration Schools and Donor Funded Schools. The WCED's approach to Collaboration Schools and Donor Funded Schools reflects the commitment of the Western Cape Government to consider all innovative options for improving opportunities, especially in poor communities.
- the establishment of short-term intervention facilities for learners who have been found guilty of serious misconduct, as an alternative to expulsion.
- the enabling of classroom observation, and, providing for an exception to the prohibition of alcohol on school premises, on application to the Head of Department, to permit the consumption or sale of alcoholic liquor on school premises or at any school activity held on school premises.

The Service Delivery Improvement Plan (SDIP) Directive, 2019:

The SDIP as issued by the Department of Public Service and Administration (DPSA) required that a department must submit their approved SDIPs to the DPSA by 31 March every 5 years. SDIPs must be aligned to the Strategic Plans of each department.

[The Employment of Educators Act, 1998 \(Act 76 of 1998\):](#)

This Act applies to the employment of educators at public schools and in departmental offices and provides for the determination of salaries and other conditions of service of educators by the Minister of Basic Education, subject to the Labour Relations Act or any Collective Agreement concluded by the Education Labour Relations Council and the Personnel Administrative Measures (PAM).

A draft Basic Education Laws Amendment Bill published by the Minister of Basic Education proposes amendments to this Act.

[Public Finance Management Act, 1999 \(Act 1 of 1999\):](#)

This Act applies to departments, public entities listed in Schedule 2 or 3, constitutional institutions and provincial legislatures subject to subsection 3(2) of the Act, and regulates accountability, transparency and sound management of the revenue, expenditure, assets and liabilities of institutions listed in section 3 of the Act, and also contains responsibilities of persons entrusted with financial management. In terms of sections 13 and 22 of the PFMA, school fees do not form part of the revenue funds, which are regulated by the PFMA. This implies that the PFMA do not apply to schools and that the financial management of school funds is provided for in the SASA and not the PFMA.

[The South African Council for Educators Act, 2000 \(Act 31 of 2000\):](#)

This Act deals with the registration of educators in the teaching profession with the South African Council for Educators (SACE), and further provides for promotion, development and enhancement of the teaching profession as well as the enforcement of the Code of Professional Ethics for educators to protect the dignity of the profession on continuous basis.

[Public Service Act, 1994 \(Proclamation 104 of 1994\):](#)

This Act deals with the organisation and administration of the public service of the Republic as well as the regulation of the conditions of employment, terms of office, discipline, retirement and discharge of the members of the public service.

[The Promotion of Administrative Justice Act \[PAJA\], 2000 \(Act 3 of 2000\) and the Promotion of Access to Information Act \[PAIA\], 2000 \(Act 2 of 2000\):](#)

These Acts are essential legislative instruments and apply, in the case of *PAJA*, to all administrative acts performed by the state administration that have an effect on members of the public. In particular, it deals with the requirements for procedural fairness if an administrative decision affects a person (section 3) or public (section 4), reasons for administrative action and grounds for judicial review (sections 5 and 6). *PAIA* on the other hand deals with section 32 of the Constitution, the right of access to information 'records' held by public and private bodies such as all documents, recordings and visual material, but does not apply during civil and criminal litigation.

[Protection of Personal Information Act, 2013 \(POPIA\) \(Act 4 of 2013\):](#)

To promote the protection of personal information processed by public and private bodies; to introduce certain conditions so as to establish minimum requirements for the processing of personal information; to provide for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of this Act and the Promotion of Access to Information Act, 2000; to provide for the issuing of codes of conduct; to provide for the rights of persons regarding unsolicited electronic communications and automated decision making; to regulate the flow of personal information across the borders of the Republic; and to provide for matters connected therewith.

Occupational Health and Safety Act, 1993 (OHSA) (Act 85, 1993):

To provide for the health and safety of persons at work and for the health and safety of persons in connection with the use of plant and machinery; the protection of persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work; to establish an advisory council for occupational health and safety; and to provide for matters connected therewith.

Labour Relations Act, 1995 (LRA) (Act 66 of 1995):

To change the law governing labour relations and, for that purpose –

- to give effect to section 27 of the Constitution;
- to regulate the organisations rights of trade unions;
- to promote and facilitate collective bargaining at the workplace and at sectoral level;
- to regulate the right to strike and the recourse to lock-out in conformity with the Constitution;
- to promote employee participation in decision-making through the establishment of workplace forums;
- to provide simple procedures for the resolution of labour disputes through statutory conciliation, mediation and arbitration (for
- which purpose the Commission for Conciliation, Mediation and Arbitration is established), and through independent alternative
- dispute resolution services accredited for that purpose;
- to establish the Labour Court and Labour Appeal Court as superior courts, with exclusive jurisdiction to decide matters arising from the Act;
- to provide for a simplified procedure for the registration of trade unions and employers' organisations, and to provide for their
- regulation to ensure democratic practices and proper financial control;
- to give effect to the public international law obligations of the Republic relating to labour relations;
- to amend and repeal certain laws relating to labour relations; and
- to provide for incidental matters.

In addition to the legislative mandates mentioned above, the following white papers, policies and prescripts guide the WCED in its delivery of quality education:

The National Curriculum Statement Grade R-12:

This comprises Curriculum and Assessment Policy Statements for all approved school subjects; The National policy pertaining to the programme and promotion requirements of the National Curriculum Statement Grade R – 12; and The National Protocol for Assessment, Grades R – 12.

Education White Paper 5:

Education White Paper 5 on Early Childhood Development (2000) provides for the expansion and participation of 5-year olds in pre-school reception grade education, for the improvement in the quality of the programmes, curricula and teacher development. (0-4 and 6-9-year olds).

Education White Paper 6:

Education White Paper 6 on Inclusive Education (2001) describes the implementation of inclusive education at all levels of the system to include vulnerable learners, remove learning barriers, targeted support structures and mechanisms to improve the retention of learners in the system.

Education White Paper 7:

Education White paper 7 is about e-education and the use of ICT to accelerate achievement. It describes connecting teachers and learners to each other to share ideas and information, support services and providing platforms of learning for education reform. The policies and guidelines below are in draft format and may influence the strategies of the department:

Draft Curriculum and Assessment Policy Statement for Learners with Severe Intellectual Disability (SID), Grade R-5:

This Policy has invited public comment and envisages to present knowledge and skills at a more functional and at reduced breadth and depth, while also making available a number of occupational subjects, giving an opportunity to receive an endorsed statement of achievement. WCED submitted its response to DBE on 1 August 2018.

Draft Guidelines on Resourcing of an Inclusive Education System:

The draft Guidelines on Resourcing of an Inclusive Education System, published in Government Gazette 41581 dated 20 April 2018 deal with, amongst other things, special schools, resource centres for these schools, full-service schools, ordinary public schools and district-based support teams.

Additionally, those listed below may continue to guide the department over the next reporting cycle:

National Norms and Standards for School Funding, 2011

National Norms and Standards for Educators, 2000

Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure, 29 November 2013

Language in Education Policy, 1997

National Policy on Religion and Education, 2003

National Policy on HIV/AIDS for Learners and Educators at Public Schools and Students and Educators in Further Education and Training Institutions, 1998

National Policy regarding Further Education and Training Programmes: Approval of Amendments to the programme and promotion requirements for the National Senior Certificate: A Qualification in Level 4 of the National Qualifications Framework (NQF), April 2007

Regulations relating to the Conduct, Administration and Management of Assessment for the National Senior Certificate, 29 August 2008

Addendum to FET Document, National Curriculum Statement on the National Framework Regulating Learners with Special Needs, 11 December 2006

National Planning on an Equitable Provision of an Enabling School Physical Teaching and Learning Environment, 21 November 2008

National Framework for Teacher Education and Development in South Africa, 26 April 2007

Requirements for Administration of Surveys, 2 April 2007

National Education Information Policy, 2004

Policy on the organisation, roles and responsibilities of education districts, 10 April 2013

Policy on Learner Attendance, 4 May 2010

Umalusi Language Policy, 2016

Regulations regarding the criteria for the quality assurance, accreditation and monitoring of independent schools and private assessment bodies by the General and Further Education and Training Quality Assurance Council, 2016

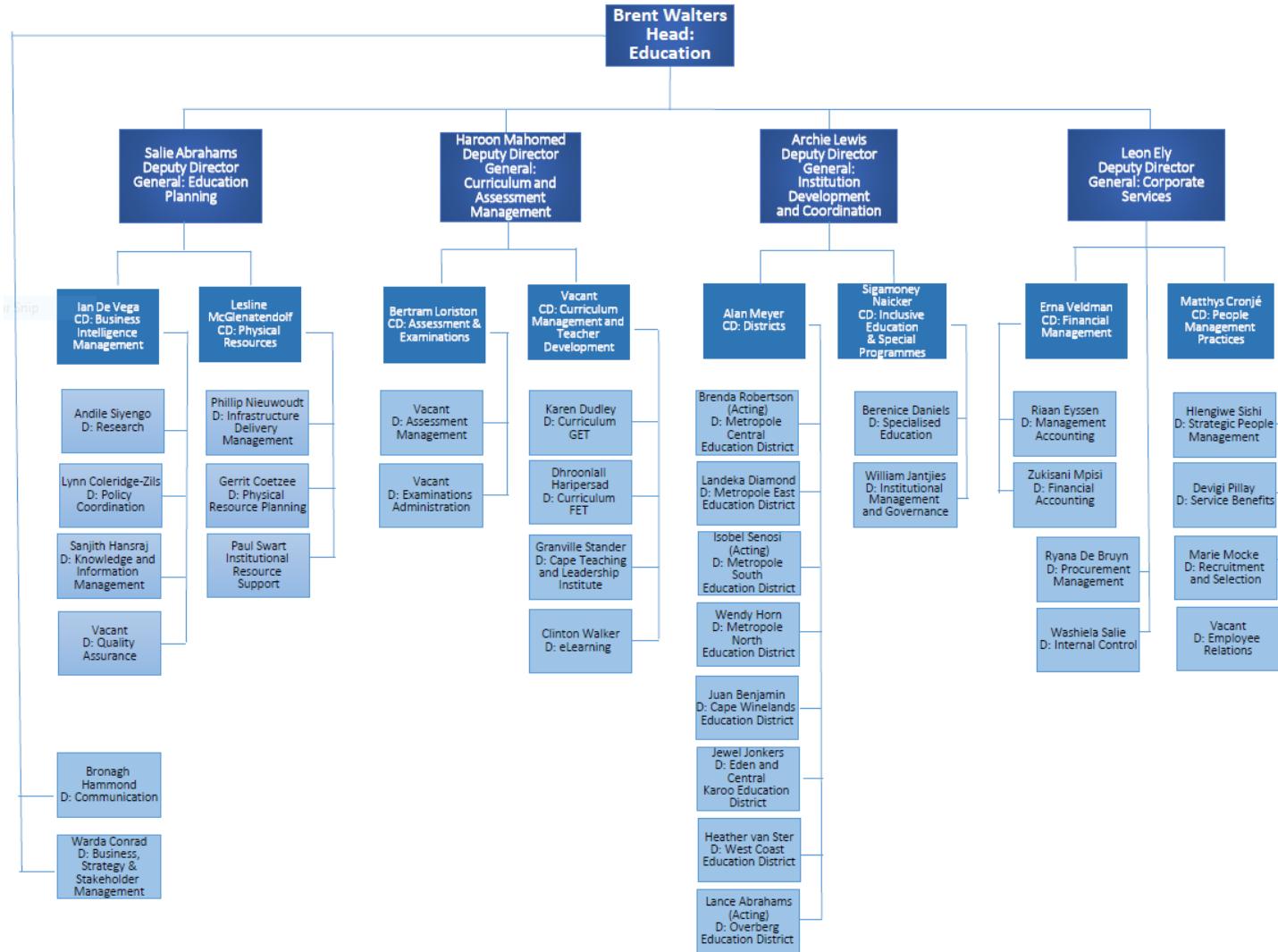
Policy and criteria for the quality assurance, accreditation and monitoring of independent schools and private assessment bodies

Amended Policy on the Organisation, Roles and Responsibilities of Education Districts

Repeal of the Proviso on the Compulsory Offering of Accounting with Mathematics

4. Structure of the Western Cape Education Department and functions

4.1 Structure



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4.2 Functions

Education Planning provides research, policy coordination, planning and resource support, centralized information management and quality assurance.

Curriculum and Assessment Management is responsible for curriculum development, support and coordination for general and further education and training, as well as the growing functions of assessment and examinations.

Institution Development and Coordination coordinates education management by eight education districts and provides management and governance support to schools. The branch includes the Chief Directorate: Inclusive Education and Special Programmes to manage special school education and other special programmes

The branch, **Corporate Services**, is responsible for managing financial resources, including, financial and management accounting, internal control, procurement management. It also includes managing people management practices which includes service benefits, recruitment and selection, employee relations and strategic people management.

Head of Department

Functions: The Head of Education is responsible for implementing the mandate of the WCED to provide general and further education and training in schools, and related services, including special needs education, and supporting early childhood development in line with national and provincial policy.

To ensure the quality of education and education institutions in the province through:

- Rendering departmental communication services. Managing the business strategy and stakeholder management process;
- Providing education planning services; managing curriculum development, assessment and examination processes;
- Managing the development of education institutions and management structures and coordinate delivery of programmes and activities. Managing the continuous and sustained effectiveness, efficiency and economy in providing corporate support;
- Providing executive and administrative support to the Head of Department; Training opportunities for teachers and non-teachers
- Targeted food programmes and other poverty alleviation and safety measures
- Support to teachers through provision of basic conditions of service, incentives and an employee wellness programme

Programme 1: Administration

To provide overall management of the education system in accordance with the National Education Policy Act, the Public Finance Management Act and other policies.

- Sub-programme 1.1: Office of the MEC: To provide for the functioning of the office of the Member of the Executive Council (MEC) for education in line with the ministerial handbook.
- Sub-programme 1.2: Corporate Services: To provide management services which are not education specific for the education system
- Sub-programme 1.3: Education Management: To provide education management services for the education system
- Sub-programme 1.4: Human Resource Development: To provide human resource development for office-based staff
- Sub-programme 1.5: Education Management Information System (EMIS): To provide an Education Management Information System in accordance with the National Education Information Policy

Programme 2: Public Ordinary School Education

To provide Public Ordinary Education from Grades 1 to 12, in accordance with the South African Schools Act and White Paper 6 on inclusive education. (E-learning is also included.)

- Sub-programme 2.1: Public Primary Level: To provide specific Public Primary Ordinary Schools (including Inclusive Education) with resources required for the Grade 1 to 7 level
- Sub-programme 2.2: Public Secondary Level: To provide specific Public Secondary Ordinary Schools (including Inclusive Education) with resources required for the Grades 8 to 12 level
- Sub-programme 2.3: Human Resource Development: To provide departmental services for the development of educators and non-educators in public schools.
- Sub-programme 2.4: Conditional Grants: To provide for projects under programme 2 specified by the Department of Basic Education and funded by conditional grants

Programme 3: Independent School Subsidies

To support Independent Schools in accordance with the South African Schools Act

- Sub-programme 3.1: Primary Level: To support Independent Schools in the Grades 1 to 7 levels
- Sub-programme 3.2: Secondary Level: To support Independent Schools in the Grades 8 to 12 levels

Programme 4: Public Special School Education

To provide compulsory public education in special schools in accordance with the South African Schools Act and White Paper 6 on Inclusive Education. Including e-learning and inclusive education.

- Sub-programme 4.1: Schools: To provide specific Public Special Schools with resources. (Including e-learning and inclusive education.)
- Sub-programme 4.2: Human Resource Development: To provide departmental services for the professional and other development of educators and non-educators in public special schools (including inclusive education).
- Sub-programme 4.3: Conditional Grants: To provide for projects under programme 4 specified by the Department of Basic Education and funded by conditional grants (including inclusive education)

Note that the Sub-programme: "School Sport, Culture and Media Services" is not provided for as the function resides under the Department of Cultural Affairs and Sport.

Programme 5: Early Childhood Development

To provide Early Childhood Development (ECD) at the Grade R and pre-grade R in accordance with White Paper 5. (E-learning is also included).

- Sub-programme 5.1: Grade R in Public Schools: To provide specific public ordinary schools with resources required for Grade R
- Sub-programme 5.2: Grade R in Early Childhood Development Centres: To support Grade R at early childhood development centres
- Sub-programme 5.3: Pre-Grade R training: To provide training and payment of stipends of Pre-Grade R practitioners/educators
- Sub-programme 5.4: Human Resource Development: To provide departmental services for the development of practitioners/educators and non-educators in grade R at public schools and ECD centres
- Sub-programme 5.5: Conditional Grants: To provide for projects under Programme 5 specified by the Department of Basic Education and funded by conditional grants

Programme 6: Infrastructure Development

To provide and maintain infrastructure facilities for schools and non-schools

- Sub-programme 6.1: Administration: To provide and maintain infrastructure facilities for administration
- Sub-programme 6.2: Public Ordinary Schools: To provide and maintain infrastructure facilities for public ordinary schools
- Sub-programme 6.3: Special Schools: To provide and maintain infrastructure facilities for public special schools
- Sub-programme 6.4: Early Childhood Development: To provide and maintain infrastructure facilities for early childhood development

Programme 7: Examination and Education Related Services

To provide the education institutions with examination and education-related services.

- Sub-programme 7.1: Payments to SETA: To provide employee HRD in accordance with the Skills Development Act
- Sub-programme 7.2: Professional Services: To provide educators and learners in schools with departmentally managed support services
- Sub-programme 7.3: External Examinations: To provide for departmentally managed examination services
- Sub-programme 7.4: Special Projects: To provide for special departmentally managed intervention projects in the education system.
- Sub-programme 7.5: Conditional Grants: To provide for projects specified by the Department of Education that is applicable to more than one programme and funded with conditional grants

5. Key contact details for access to information of the Western Cape Education Department

Information Officer

Name: Brent Walters
 Tel: 021 467 2536
 Email: Eduhead.eduhead@westerncape.gov.za

Deputy Information Officers

PAIA:			
Director:	Name	Telephone	E-mail
Communication	Bronagh Hammond	021 467 2531	Bronagh.Hammond@westerncape.gov.za
Knowledge & Information Management	Sanjith Hansraj	021 467 2086	sanjith.hansraj@westerncape.gov.za
Metro Central Education District	Brenda Robertson (acting)	021 514 6700	brenda.robertson@westerncape.gov.za
Metro East Education District	Landeka Diamond	021 900 7000	landeka.diamond@westerncape.gov.za
Metro North Education District	Wendy Horn	021 938 3000	wendy.horn@westerncape.gov.za
Metro South Education District	Isobel Senosi (acting)	021 370 2000	isobel.senosi@westerncape.gov.za
Cape Winelands Education District	Juan Benjamin	023 348 4601	juan.benjamin@westerncape.gov.za
Eden and Central Karoo Education District	Jewel Jonkers	044 803 8300	jewel.jonkers@westerncape.gov.za
Overberg Education District	Lance Abrahams (acting)	028 214 7300	lance.abrahams@westerncape.gov.za
West Coast Education District	Heather van Ster	021 860 1200	heather.vanster@westerncape.gov.za
POPIA			
Director:	Name	Telephone	E-mail
Institutional Management and Governance	William Jantjies	021 467 2611	william.jantjies@westerncape.gov.za

Access to information general contacts

Email: anna-mare.hanekom@westerncape.gov.za

Head Office

Postal Address: Private Bag x9114, Cape Town, 8000

Physical Address: 1 North Wharf Square, 2 Lower Loop Street, Cape Town, 8001

Telephone: 021 467 2000

Email: media1.media1@westerncape.gov.za

Website: wcedonline.westerncape.gov.za

6. Description of all remedies available in respect of an act or a failure to act by the Western Cape Education Department

Legislation applicable to the Western Cape Education Department may provide for an internal review or appeal procedure. Should this procedure be exhausted, or no provision be made for such procedure, a court may be approached for an appropriate order in terms of the Promotion of Administrative Justice Act, 2000.

Questions, complaints, or comments regarding any service delivery by the Western Cape Education Department made as follows:

Tel: 021 467 2000 (7:30 am – 16:00 pm)

E-mail: Eduhead.eduhead@westerncape.gov.za

Visit the Western Cape Education Department @ 1 North Wharf Square, 2 Lower Loop Street, Cape Town, 8001

Service delivery charter: <https://wcedonline.westerncape.gov.za/wced-services-access-schedule>

Contact the WCED: <https://wcedonline.westerncape.gov.za/home/webmaster.html>

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

7.1 The Regulator has, in terms of section 10(1) of PAIA, 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.

7.2 The Guide is available in each of the official languages.

7.3 The aforesaid Guide contains the description of-

7.3.1 the objects of PAIA and POPIA;

7.3.2 the postal and street address, phone and, if available, electronic mail address of-

7.3.2.1 the Information Officer of every public body, and

- 7.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 7.3.3 the manner and form of a request for-
- 7.3.3.1 access to a record of a public body contemplated in section 11³; and
- 7.3.3.2 access to a record of a private body contemplated in section 50⁴;
- 7.3.4 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 7.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 7.3.6 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-
- 7.3.6.1 an internal appeal;
- 7.3.6.2 a complaint to the Regulator; and
- 7.3.6.3 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;
- 7.3.7 the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

¹ Section 17(1) of PAIA- for the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

- 7.3.8 the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively
- 7.3.9 the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 7.3.10 the regulations made in terms of section 92¹¹
- 7.4 Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-
- 7.4.1 upon request to the Information Officer;
- 7.4.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>). The contact details of the Regulator are in the table below.

The Office of the Information Regulator	
Telephone	Not available
Fax	Not available
E-Mail Address	General inquiries: enquiries@inforegulator.org.za. Complaints: PAIAComplaints@inforegulator.org.za -
Postal Address	P O Box 31533 Braamfontein, Johannesburg, 2017
Street Address	J.D. House 27 Stiemens Street Braamfontein, Johannesburg, 2001
Website	https://www.justice.gov.za/inforeg/

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that – "The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act."

8. Description of the subjects on which the body holds records and categories of records held by the western cape education department

The Western Cape Education Department holds records on the following subjects and categories:

Categories and Subject Matter	Programme Requires a request	Programme Automatically available (Open Data)
Records kept part of the WCG Uniform File plan (1-11 support series)		
Organisation and Control (e.g) <ol style="list-style-type: none"> 1. Reorganization of functions 2. Delegation of Powers 3. Planning 4. Office instructions and codes 5. Organisational Performance Systems 6. Annual publications on measuring a set of outcome indicators within key (i) policy thematic areas; and (ii) governance indicators 7. Reports 8. Policy and Strategy 	Programmes 1-7	
Statutory and Regulatory Framework / Legislation <ol style="list-style-type: none"> 1. National Constitutional Framework 2. National Legislation 3. Western Cape Provincial Legislation 	CD: BIM D: Policy Co-ordination	
Human Resource Management <ol style="list-style-type: none"> 1. Organisational Development 2. Departmental (i) organisational behaviour reports; (ii) business process reports; (iii) organisation design reports 3. Transversal service delivery intervention reports 4. Human Resource Management 5. Posts Control 6. Conditions of Service 7. Vacancies and Appointments 8. Termination of Service 9. Qualifications, Training and Skills Development 10. Staff movement 11. Staff control 12. Employee relations 13. Employee Health and wellness 14. Behaviour Dynamics 15. Human Resource Call Centre 	CD: People Management Practices D: Strategic people management D: Service Benefits, D: Recruitment and Selection, D: Employee Relations	

Categories and Subject Matter	Programme Requires a request	Programme Automatically available (Open Data)
Internal Financial Management 1. Budget 2. Accounting responsibility 3. Expenditure 4. Banking Arrangements 5. Funds 6. Corporate Assurance 7. Internal Audit 8. Audit reports	CD: Financial Management D: Management Accounting, D: Financial Accounting, D: Internal Control	
Supply Chain Management 1. Procurement 2. Provisioning 3. Asset management 4. Equipment and Furniture	Branch Corporate Services: Procurement Management	
Internal Facilities Management 1. Buildings and Grounds 2. Telecommunication services	Branch Planning D: Physical Resource Planning.	
Internal Facilities Management 1. Occupational Health and Safety 2. Internal security matters	Branch: Institutional Resource Support D: Institutional Management and Governance	
Internal Travel and Transport Services 1. Transport	Branch Corporate Services: Procurement Management	
Internal Information Services 1. Internal records management 2. Library management 3. Information management 4. Knowledge management	Branch Planning D: Knowledge Management D: Institutional Resource Support	
Communications 1. Internal communications 2. Awareness Programmes 3. Language services 4. Media monitoring 5. Participation in events 6. Publications 7. Strategic Communication 8. Contact details	Office of the HOD D: Communications	
Research Support Education Research Research development	Branch Planning D: Research Support	
Policy Co-Ordination; Policy development Policy services; Call for comment	D: Policy Co-ordination and D: Institutional Management and Governance	
Knowledge and Information Management Provision of departmental data	D: Knowledge and Information Management	
Quality Assurance; Compliance	D: Quality Assurance	

Categories and Subject Matter	Programme Requires a request	Programme Automatically available (Open Data)
Infrastructure Delivery Management; Works inspectorate; Maintenance; Norms and standards; Basic service programmes; Architectural services	D: Infrastructure Delivery Management	
Physical Resource Planning; Property management Geographical information systems (GIS)	D: Physical Resource Planning	
Institutional Resource Support; Learner transport Learning and teaching support material	D: Institutional Resource Support	
Assessment Management; Assessment governance; Marking administration	D: Assessment Management	
Examination Administration; Conducting of examinations; Reprographic services	D: Examination Administration	
General Education Training (GET); Curriculum research; Subject development; Special projects Professional development	D: Curriculum (GET)	
Further Education Training (FET); Curriculum research; Subject development; Special projects Professional development	D: Curriculum (FET)	
Cape Teaching Learning Institute (CTLI); Teacher qualification improvements; Programmes; School management and leadership; EDULIS	D: Cape Teaching and Learning Institute	
E Learning/Technology development; E Infrastructure and LAN	D: E-Learning	
Specialised Education; Special school and resource Centres; Specialised support services	D: Specialised Education	
Institutional Management and Governance Safe schools; Independent schools; School enrichment	D: Institutional Management Governance	
Districts; District offices create and keep records of the support and line function of the department.	CD: Districts	

9. Categories of records of the Western Cape Education Department which are available without a person having to request access

The following records are available for inspection in terms of section 15(1)(a)(i) and copying in terms of section 15(1)(a)(ii).

Documents that are available for download from the WCED Website at wcedonline.westerncape.gov.za free of charge in terms of section 15(1)(a)(iii) are marked with an asterisk.

The following records are available for inspection in terms of section 15(1)(a)(i) and copying in terms of section 15(1)(a)(ii).

Description of categories of records automatically available in terms of section 15(1)(a)(I) of the Promotion of Access to Information Act, 2000	Manner of access to recorded (these records are either available for inspection or can be obtained by paying a prescribed fee) between 08:00 and 15:45
(a) LOGIS annual statements and reports (b) Tender documents and quotations (c) SourceLink documents - advertisements (d) Tender documents (e) Tender Bulletins	Directorate: Supply Chain Management
(f) Remittance register (g) Files (excluding confidential and personal information) (h) WCED circulars and minutes*	Directorate: Knowledge and Information Management (General Registry)
(i)) Employment equity plan (j) Training records	Directorate: Strategic People Management
(k) Financial records of expenditure	Directorate: Management Accounting

Description of categories of records automatically available for copying or purchasing in terms of Section 15(1)(a)(ii)	Manner of Access to Records (these records are either available for inspection or can be obtained by paying a prescribed fee) between 08:00 and 15:45
(a) Inspection reports (could be requested by institution that has been inspected)	Directorate: Financial Accounting
(b) Schedules of amounts that have been deducted from an individual's salaries and paid over to outside organisations (Only the personal and organisations concerned may request it.)	Directorate: Examinations
(c) Curriculum Policy Statements*	Directorate: Curriculum GET and FET
(d) Manuals on school matters (e) Information on boarding and transport bursaries	Directorate: Institution Management and Governance
(f) Workplace skills plan (g) Equity plan	Directorate: People Development Practices
(h) Course material*	Copies of these records may be obtained, on payment of the prescribed fee, from the Cape Teaching and Leadership Institute, (CTLI) Private Bag X14, Kuilsriver 7580
(i) Annual reports (WCED)* (j) Child abuse policy and protocol*	Copies of these records may be obtained, from the Directorate: Communication
(k) Policy documents (WCED)* (published with the relevant circular)	Copies of these records may be obtained, on payment of the prescribed fee, from the Directorate: Policy Co-ordination
(l) Vacancy lists* (m) Establishments/Organograms of WCED educational institutions and offices*	Copies of these records may be obtained, on payment of the prescribed fee, from the Directorate: Recruitment and Selection
(o) Edumedia catalogue*	Copies of these records may be obtained, on payment of the prescribed fee, from the Directorate: Communication, Edumedia, 3 Station Road, Mowbray

Description of categories of records automatically available for copying or purchasing in terms of Section 15(1)(a)(ii)	Manner of Access to Records (these records are either available for inspection or can be obtained by paying a prescribed fee) between 08:00 and 15:45
(p) Edulis catalogues	Copies of these records may be obtained, on payment of the prescribed fee, from the Cape Teaching and Leadership Institute, (CTLI) Private Bag X14, Kuilsriver 7580
(q) Educational video material*U	Copies of these records may be obtained, on payment of the prescribed fee, from the Directorate: Curriculum GET and Directorate eLearning
(r) Home schooling information*	Copies of these records may be obtained, on payment of the prescribed fee, from the Directorate: Institution Management and Governance Planning (including Safe Schools)
(s) Assessment policy	Copies of these records may be obtained, on payment of the prescribed fee, from the Directorate: Assessment Management
(t) Curriculum: Policy* (u) List of prescribed books*	Copies of these records may be obtained, on payment of the prescribed fee, from the Directorates: Curriculum GET & Curriculum FET
(v) Strategic plan* (w) Annual Performance Plan* (x) Departmental forms*	Copies of these records may be obtained, on payment of the prescribed fee, from the Directorate: Communication
Description of category of records automatically available free of charge in terms of Section 15(1)(a)(iii)	Manner of access to records (these records are either available for inspection or can be obtained by paying a prescribed fee) between 08:00 and 15:45
(a) Particulars of auditors of schools (b) Statistics about the number of schools established in terms of section 21 of the South African Schools Act, 1996 (Act 84 of 1996)	Copies of these records are available free of charge from the Directorate: Institutional Management and Governance
(c) Examination results (first publication only)* (d) Senior Certificate: Full-time candidates (original copy only) (e) Examination directives	Copies of these records are available free of charge from the Directorate: Examinations Administration
(f) Disposal certificate (VA27 and 28) of used, obsolete, redundant and unserviceable items (g) Comparative schedule of tenders received.	Copies of these records are available free of charge from the Directorate: Supply Chain Management
(h) Tenders: Learner Transport Schemes (i) Approved suppliers' list of learner support material (institutional resource support) (j) Provisioning recording certificates (VA12) of offices, schools, centres and Head Office	Copies of these records are available free of charge from the Directorate: Institutional Resource Support

Description of category of records automatically available free of charge in terms of Section 15(1)(a)(iii)	Manner of access to records (these records are either available for inspection or can be obtained by paying a prescribed fee) between 08:00 and 15:45
(k) Proof of payment to suppliers (l) Registration documents as supplier of learner support material	Copies of these records are available free of charge from the Directorate: Institutional Resource Support
(m) Expenses of learner support material	Copies of these records are available free of charge from the Directorate: Institutional Resource Support
(n) Reports of losses about burglaries, fires and vandalism at institutions	Copies of these records are available free of charge from the Directorate: Physical Resources Planning
(o) Payment data on municipal services provided to schools established in terms of section 21 of the South African Schools Act, 1996 (Act 84 of 1996)	Copies of these records are available free of charge from the Directorate: Management Accounting
(p) Information on schools for learners with special educational needs (q) Specialised learner and educator support (r) Gender equity pamphlets (s) Gender equity posters (t) Diversity posters (u) Anti-violence posters (v) Human resource development newsletter (w) Employment equity advocacy material	Copies of these records are available free of charge from the Directorate: Specialised Education Copies of these records are available free of charge from the Directorate: Strategic People Management
(x) Manual: Maintenance of buildings and sites (y) Scheduled maintenance (z) Capital works	Copies of these records are available free of charge from the Directorate: Physical Resources Planning
(aa) Appointment of employees (educators and public servants) (excluding confidential and personal information)	Copies of these records are available free of charge from the Directorate: Recruitment and Selection
(bb) Retirement of employees (cc) Conditions of service and benefits of employees (dd) Resolutions of bargaining councils (ee) Information about leave (Only the persons and organisations that have an interest may request it) (ff) Promotion requirements	Copies of these records are available free of charge from the Directorate: Service Benefits, Grand Central Towers
(hh) Resolutions of bargaining councils	Copies of these records are available free of charge from the Directorate: Employee Relations
(ii) Promotion requirements	Copies of these records are available free of charge from the Directorate: Recruitment and Selection
(jj) Senior Certificate requirements (kk) General Education & Training certificate information	Copies of these records are available free of charge from the Directorate: Examinations Administration

Description of category of records automatically available free of charge in terms of Section 15(1)(a)(iii)	Manner of access to records (these records are either available for inspection or can be obtained by paying a prescribed fee) between 08:00 and 15:45
(mm) List of WCED schools for purpose of finding placement.* (nn) List of schools listed by subject offerings.* (oo) Mailing list for all educational institutions registered with the WCED* (pp) Information on the progress of an application to any public schools registered with the WCED.*	This information is obtainable by accessing the Find-A-School

10. Services available to members of the public from the Western Cape Education Department and how to gain access to those services

The Public Body renders the following services directly to the public:

Services rendered by the Western Cape Education Department	How to access these services
Call Centre (Personnel and Finance queries)	0861 92 33 22
Safe Schools Call Centre	0800 45 46 47
Directorate Examination helpline:	021 467 2300
WCED Online - Feedback	wcedonline.westerncape.gov.za/give-us-your-feedback

11. Public involvement in the formulation of policy or the exercise of powers or performance of duties by Western Cape Education Department

In most instances, legislation prescribes the following procedures for making matters known and for public participation:

- Notification in the media, such as the Provincial Gazette, provincial newspapers and local/community newspapers
- Workshops with concerned and affected groups
- Notification on the Department's website
- Manuals and guideline documents (sometimes)

12. Processing of Personal Information

12.1 Purpose of the Processing

12.1.1 Personal Information is processed to comply with the Public Body's constitutional and legislative mandates as set out in its Annual Strategic, Business and Performance Plans available at wcedonline.westerncape.gov.za

12.1.2 Personal Information is used for:

- Human resources and employment purposes such as (1) recruitment, selection and placement; (2) administration of compensation and benefits; (3) performance management and training; and (4) government reporting (5) parent data (6) learner data.
- Risk management which includes physical and electronic security and access control;
- Planning;
- Procurement of goods and services; and
- Rendering of services.

12.2 Description of the categories of Data Subjects, information processed and recipients thereof

Data Subjects	Information	Recipients
Prospective employees, current employees, consultants, interns and volunteers	<ul style="list-style-type: none"> - Name, identification number, biographical information; - Contact details; - Educational, employment and criminal history; - Biometric and health information; - Psychometric assessments; and - References, background checks. 	Relevant Provincial and National Government Departments and their agents.
Current employees, consultants, interns	<ul style="list-style-type: none"> - Account information; - Performance reports; and - Skills/training reports. 	Relevant Provincial and National Government Departments and their agents
Prospective and current suppliers, service providers, contractors, sub-contractors and business partners	<ul style="list-style-type: none"> - Name, identification number/company registration number; - Relevant registration number; - Contact details; - Financial history; - References, background checks; - Account information; and - Performance reports. 	Relevant Provincial and National Government: <ul style="list-style-type: none"> - Departments; - Public Entities; - Business Enterprises; and their agents.
Service users (clients / customers) and visitors.	<ul style="list-style-type: none"> - Name, identification number, biographical information - Contact details - Compliments or complaints 	Relevant Provincial and National Government: <ul style="list-style-type: none"> - Departments - Public Entities; Public Enterprises; and their agents.
Prospective parents and current parents	<ul style="list-style-type: none"> • Name, identification number, biographical information; • Contact details; 	Only for internal departmental use. No sharing of information.
Prospective and current learners	<ul style="list-style-type: none"> • Name, identification number, biographical information; • Contact details; • Academic History 	Relevant Provincial and National Government Departments and their agents.
Volunteers and Partners	<ul style="list-style-type: none"> • Name, identification number, biographical information • Contact details; 	

12.3 Planned transborder flows of personal information

Transfers of personal information outside the Republic

The Western Cape Education Department shall not transfer personal information about a data subject to a third party who is in a foreign country unless—

- (a) The third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that—
 - (i) effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural or juristic person; and
 - (ii) includes provisions relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
- (b) The data subject consents to the transfer;
- (c) The transfer is necessary for the performance of a contract between the data subject and the Western Cape Education Department, or for the implementation of pre-contractual measures taken in response to the data subject's request;
- (d) The transfer is necessary for the conclusion of performance of a contract between the Western Cape Education Department and a third party; or
- (e) The transfer is for the benefit of the data subject, and—
 - (i) it is not reasonably practicable to obtain the consent of the data subject to that transfer; and
 - (ii) if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

12.4 General Description of Information Security Measures to be implemented by the Western Cape Education Department to ensure the confidentiality, integrity and availability of the information

12.4.1 The integrity and confidentiality of personal information is protected against anticipated threats and unauthorised access by employing security safeguards that are reasonable and appropriate to the identified risks and the sensitivity of the information.

12.4.2 These safeguards include the following:

12.4.3 Organisational measures:

- The Head of Department takes overall responsibility for the security of all Departmental information.
- The Departmental Security Manager manages this security function in DotP on behalf of the DG supported by a DotP Security Committee.
- The Chief Information Officer (CIO) ensures that appropriate measures are in place to safeguard ICT infrastructure, networks and systems. This includes taking responsibility for third parties that develop, access or use WCG ICT infrastructure, networks and systems.
- A Chief Information Security Officer (CISO) assesses and documents enterprise information risk and manages the risk in respect of ICT infrastructure, networks and systems.

- Safekeeping and security responsibilities are included in the responsibilities of employees working with personal information and they have to adhere to information security laws, policies, plans and procedures.
- Security incidents are reviewed and reported on.

12.4.4 Physical measures:

- Access to facilities and equipment is controlled and auditable.
- Access points are limited with provision for physical security controls, such as window bars, grilles, shutters and security doors. Where required access points are enhanced by the use of intruder detection systems, guard services and/or closed-circuit television surveillance.
- Access is controlled and monitored through a combination of manned guarding, electronic access control systems, ID access cards, visitor management systems, biometric activation doors, turnstiles and entry & egress searching.

12.4.5 Technical measures

- The Information Security standards issued for the public service is adhered to.
- Agreements concluded with third parties include the protection of the integrity and confidentiality of information by the third parties.
- Risks are assessed during the development of new applications and systems, when changing existing systems, when changing business processes and when areas of concern are identified.
- Risk to the ICT infrastructure, networks and systems is managed through vulnerability and threat testing and awareness, audit controls, incident management and security awareness training.

12.4.6 Similar safeguards are required from service providers, suppliers and business partners who receive personal information from or on behalf the WCG during their relationship with DotP.

13. Accessibility and Availability of this Manual

- 13.1 The manual is available in English, Afrikaans and Xhosa for viewing between 7.30 and 16.00 Mondays to Fridays (excluding public holidays) at
- the WCED walk-in Centre, 1 North Wharf Square, 2 Lower Loop Street, Foreshore, Cape Town, 8001
 - the office of the Deputy Information Officer Mrs Bronagh Hammond, 14th Floor, 1 North Wharf Square, 2 Lower Loop Street, Foreshore, Cape Town, 8001
- 13.2 The manual and Afrikaans and Xhosa translations thereof, may be accessed online through the World Wide Web by visiting the following web address wcedonline.westerncape.gov.za

14. Updating of the Manual

The Western Cape Education Department will, if necessary, update and publish this manual annually.

Issued by

A handwritten signature in black ink, appearing to read "Brent Walters", with a stylized flourish underneath.

Brent Walters
Head of Department

Guidance on access to records that are not automatically available

1. Completion of application form, payment of fees and form of access – sections 18, 19, 22, 29 and 31.

1.1 Application form

- A prescribed form (attached as **FORM 2** must be completed by the requester and submitted to the Information Officer/Deputy Information Officer.
 - If a requester cannot read or write or complete the form due to a disability, the request may be made orally. The Information Officer/ Deputy Information Officer will then complete Form 2 on behalf of the requester, keep the original and give the requester a copy thereof.
 - A request may be made on behalf of another person but then the capacity in which the request is made must be indicated on Form 2. The requester must also submit proof of the capacity in which the request is made, to the reasonable satisfaction of the Information Officer/Deputy Information Officer.
 - A requester (data subject) seeking to confirm whether his/her personal information is held by the public body or the identities of third parties who had access or requires access to his/her own personal information must provide proof of their identity and is required to supply a certified copy of their identity document for authentication purposes.

1.2 Fees

- The fees for requesting and searching for a record, as well as making copies of the record, are prescribed by the regulations made in terms of PAIA. (Attached as **FEE SCHEDULE**) The following fees are payable:
 - Request fee of R100.00 for each request;
 - Access fee for the reasonable time spent to search for and prepare the record, if it takes more than an hour to search and prepare a record. A deposit, of not more than a third of the total access fee, may be required. However, the full access fee is payable before access is granted; and
 - for making copies of the record.

1.3 Applicants who are exempt from paying a request fee:

- A maintenance officer/investigator requesting access to a record for a maintenance investigation or inquiry in terms of the Maintenance Act, 1998 (or regulations made in terms thereof.)
- A person requesting a record that contains his/her personal information.

1.4 Applicants who are exempt from paying an access fee:

- A person requesting a record that contains his/her personal information.
- A single person whose annual income does not exceed R14 712 per annum.
- Married persons, or a person and his or her life partner whose annual income does not exceed R27 192.

14.2 Form of access

- A requester must indicate on Form 2 if a copy or an inspection of the record is required.
 - If a copy is required, the requester must indicate the form thereof (e.g., printed or electronic) and the preferred language (where the record is available in more than one language). The Department does not translate records that are only available in one language.
- The record will be provided in the requested format unless it is impractical, or it will unreasonably interfere with the running of the Department's business

2. Decision to Grant or Refuse Access – Sections 25 And 26

2.1 Time period to make a decision

The Information Officer/ Deputy Information Officer must as soon as reasonably possible after receipt of the R100,00 and the completed Form 2, but at least within **30 days** of receipt thereof, decide whether to grant or refuse the request and notify the requester of the decision.

2.2 Extension of time period

The Information Officer / Deputy Information Officer may extend the period of 30 days, **once** for a further period of **30 days** in the following circumstances:

- the request is for a large number of records or requires a search through a large number of records and attending to the request unreasonably interferes with the department's activities;
- the request requires a search for records from an office that is not in the same town or city as that of the Information officer/Deputy Information Officer;
- consultation is required with other departments of the WCG or other public bodies to decide upon the request; or
- the requester consented to an extension.

3. Records that contain information of third parties – Sections 47, 48

3.1 Notification:

The Information Officer/Deputy Information Officer must take all reasonable steps to inform a third party as soon as possible, but at least within **21 days**, of receipt of any request for a record that contains:

- a third party's personal information;
- a third party's trade secrets;
- a third party's financial, commercial, scientific or technical information and disclosure would likely cause commercial or financial harm to the third party;
- information supplied by a third party in confidence and the disclosure would prejudice or put the third party at a disadvantage in contractual or other negotiations or commercial competition;
- information supplied in confidence by a third party and disclosure would (i) amount to a breach of a duty of confidence owed to the third party in terms of an agreement; or (ii) reasonably prejudice the future supply of similar information which should, in the public interest, be supplied; or
- information about research being carried out by or on behalf of a third party that would seriously disadvantage either the third party, the agent or the research subject matter.

3.2 Third Party representations and consent

Within **21 days** of the notification (3.1 above) a third party may either (i) make written or oral representations to the Information Officer/ Deputy Information Officer why the request should be refused; or (ii) give written consent for the disclosure of the record.

3.3 Decision on representation for refusal

The Information Officer/ Deputy Information Officer must as soon as reasonable possible, but at least within **30 days** after the notification (3.1 above) decide whether to grant or refuse the request for access and must notify the third party concerned as well as the requester of the decision.

4. Internal appeal – sections 74 and 75

4.1 Requester

A requester may lodge an internal appeal, within **60 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to:

- refuse a request for access (see 2 above);
- pay a fee (see 1.2 above);
- extend the period to give access (see 2.2 above).

4.2 Third party

A third party may lodge an internal appeal, within **30 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to grant access to a record that contains information about the third party (see 3 above).

4.3 Manner of internal appeal

An internal appeal is lodged by completing the prescribed form (**Form 4** attached) and delivering or sending it to the Information Officer/ Deputy Information Officer.

5. Complaint to Information Regulator – sections 77A and 77B

Only after an internal appeal has been lodged and the requester or third party remains unsatisfied with the outcome of the internal appeal a complaint may be lodged to the Information Regulator.

5.1 Requester

- A requester may complain to the Regulator in respect of:
 - an unsuccessful internal appeal;
 - a disallowed late appeal;
 - a refusal of a request for access to information;
 - a decision about fees;
 - a decision to extend the time to deal with a request; or
 - a decision to provide access in a particular form.

5.2 Third party

- A third party may complain to the Information Regulator in respect of:
 - an unsuccessful internal appeal,
 - any grant of a request for access to information.

5.3 Format

A complaint to the Information Regulator must be made in writing in the prescribed form (**Form 5** attached) within **180 days** of the decision giving rise to the complaint.

6. Application to court – section 78

6.1 A requester or third party may apply to court for appropriate relief if

- an internal appeal was lodged and the applicant remains unsatisfied with the outcome of the internal appeal; or
- a complaint was lodged with the Information Regulator and the complainant remains unsatisfied with the outcome of the complaint.

6.2 The application to court must be made within **180 days** after being informed of the outcome of the internal appeal or the decision by the Information Regulator, as the case may be.

Form 2 - Request for access to record

[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

(Address)

E-mail address:

Fax number:

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 (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input style="width: 50px;" type="text"/>
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile <input style="width: 50px;" type="text"/>
	Cellular		

Particulars of record requested	
<i>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.)</i>	
Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	
Type of record	
<i>(Mark the applicable box with an "X")</i>	
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	
Form of access	
<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	
Manner of access	
<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>	

Particulars of right to be exercised or protected	
<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:	

Fees	
a) A request fee must be paid before the request will be considered. b) You will be notified of the amount of the access fee to be paid. c) 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. d) 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	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

For official 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

Fees in Respect of Public Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof
4.	for a copy in a computer readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc If provided by requestor If provided to requester	R40.00 R40.00 R60.00
5.	for a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from the Service Provider
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24,00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc If provided by requestor If provided to the requestor	R40,00 R40,00 R60,00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100,00 R300,00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any

Form 4 - Internal Appeal Form - [Regulation 9]

Reference Number:

Particulars of Public Body			
Name of Public Body			
Name and Surname of Information Officer:			
Particulars of complainant who lodges the Internal Appeal			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			
Is the internal appeal lodged on behalf of another person?		Yes	No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>			
Particulars of person on whose behalf the internal appeal is lodged (If lodged by a third party)			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			

Decision against which the internal appeal is lodged <i>(mark the appropriate box with an "X")</i>	
Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	
Grounds for appeal <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>	
State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

For official use
Official record of internal appeal

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>			
Date received:			
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:		Yes	
		No	
Outcome of appeal			
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>
	No		
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>
	No		
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>
	No		
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>
	No		
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>
	No		

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority

Form 5 - Complaint Form

[Regulation 10]

Note:

1. This form is designed to assist the Requester or Third Party (hereinafter referred to as "the Complainant") in requesting a review of a Public or Private Body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the following email address: PAIAComplaints@justice.gov.za or complete online complaint form available at <https://www.justice.gov.za/inforeg/>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part F of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed **PAIA Form 2** and submit it to the Body.
4. A copy of this Form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. **Please attach copies of the following documents, if you have them:**
 - a. Copy of the form to the Body requesting access to records;
 - b. The Body's response to your complaint or access request;
 - c. Any other correspondence between you and the Body regarding your request;
 - d. Copy of the appeal form, if your complaint relate to a public body;
 - e. The Body's response to your appeal;
 - f. Any other correspondence between you and the Body regarding your appeal;
 - g. Documentation authorizing you to act on behalf of another person (if applicable);
 - h. Court Order or Court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

**Capacity of person/party lodging a complaint
(Mark with an "X")**

- Complainant Personally**
- Representative of Complainant**
- Third Party**

PREREQUISITES			
Did you submit request (PAIA form) for access to record of a public/private body?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Have you applied to Court for appropriate relief regarding this matter?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
For Information Regulator's use only			
Received by: (Full names)			
Position			
Signature			
Complaint accepted	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Reference Number			
Date stamp			

Postal address	Facsimile	Other electronic communication (Please specify)

Part A - Personal Information of Complainant			
Full Names			
Identity Number			
Postal Address			
Street Address			
E-Mail Address			
Contact numbers	Tel. (B)	<input type="checkbox"/>	Facsimile <input type="checkbox"/>
	Cellular	<input type="checkbox"/>	

Part B - Representative Information			
<i>(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)</i>			
Full Names of Representative			
Nature of representation			
Identity Number / Registration Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)	<input type="checkbox"/>	Facsimile <input type="checkbox"/>
	Cellular	<input type="checkbox"/>	

Part C - Third Party Information <i>(Please attach letter of authorisation)</i>			
Type of Body	Private		Public
Name of Public / Private Body			
Registration Number (if any)			
Name, Surname and Title of person authorised to lodge a complaint			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile
	Cellular		

Part D - Body against which the complaint is lodged			
Type of body	Private		Public
Name of public / private body			
Registration number (if any)			
Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request for access to information			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile
	Cellular		
Reference Number given (if any)			

Part E - Complaint <i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public or private body for response and possible resolution)</i>			
Date on which request for access to records submitted.			
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body.			
Have you attempted to resolve the matter with the organisation?	Yes		No
If yes, when did you receive it? (Please attach the letter to this application.)			
Did you appeal against a decision of the information officer of the public body?	Yes		No
If yes, when did you lodge an appeal?			
Have you applied to Court for appropriate relief regarding this matter?	Yes		No
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.			

Part F - Detailed type of access to records (Please select one or more of the following to describe your complaint to the Information Regulator)		
Unsuccessful appeal (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	<i>I have appealed against the decision of the public body and the appeal is unsuccessful.</i>	
Unsuccessful application for condonation (Sections 77A(2)(b) and 75(2) of PAIA)	<i>I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.</i>	
Refusal of a request for access (Section 77A(2)(c) (i) or 77A(2)(d) (i) or 77A(3)(b) of PAIA)	<i>I requested access to information held by a body and that request was refused or partially refused.</i>	
The body requires me to pay a fee and I feel it is excessive (Sections 22 or 54 of PAIA)	<i>Tender or payment of the prescribed fee.</i>	
	<i>The tender or payment of a deposit.</i>	
Repayment of the deposit (Section 22(4) of PAIA) <i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	<i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	
Disagree with time extension (Sections 26 or 57 of PAIA)	<i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i>	
Form of access denied (Section 29(3) or 60 (a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>	
Deemed refusal (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	
	<i>Extension period has expired and no response was received.</i>	
Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record).	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/ unreasonable been disclosed.</i>	
No adequate reasons for the refusal of access (Section 56(3) (a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i>	
Partial access to record (Section 28(2) or 59(2) of PAIA)	<i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	
Fee waiver (Section 22(8) or 54(8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	
Records that cannot be found or do not exist (Section 23 or 55 of PAIA)	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i>	
Failure to disclose records	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	
No jurisdiction (exercise or protection of any rights) (Section 50(1)(a) of PAIA)	<i>The Body indicated that the requested records are excluded from PAIA and I disagree.</i>	
Frivolous or vexatious request (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	

Other (Please explain)

Part G - Expected Outcome

How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.

Part H - Agreements

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

- I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.
- The information in this Complaint Form is true to the best of my knowledge and belief.
- I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.
- I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.
- If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at _____ this _____ day of _____ 20 _____

Complainant/Representative/Authorised person of Third party