



Province of the
EASTERN CAPE
EDUCATION

PAIA and POPIA MANUAL

In terms of

Section 14 of the Promotion of Access to Information Act 2 of 2000 (as amended)

And

To address the requirements of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) POPIA

**Published by the Eastern Cape Department of Education
Steve Vukile Tshwete Education Complex
Zone 6, Zwelitsha**

**Private Bag X0032
BHISHO
5606**

**Copies of this publication can be obtained from
The Directorate: Media Liaison and Communication
Eastern Cape Department of Education
Tel: 040 608 4777
Email: Malibongwe.Mtima@ecdoe.gov.za**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CEO”	Chief Executive Officer
1.2	“DIO”	Deputy Information Officer;
1.3	“IO“	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services;
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000(as Amended;
1.6	“PFMA”	Public Finance Management Act No.1 of 1999 as Amended;
1.7	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.8	“Regulator”	Information Regulator.
1.9	“ECDoE”	Eastern Cape Department of Education
1.10	“SAQA”	South African Qualification Authority
1.11	“NSFAS”	National Student Financial Aid Scheme
1.12	“SETA”	Sector Education and Training Authorities

2. PURPOSE OF 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 (Department of Education- Eastern Cape- Hereinafter referred to ECDoE), without the need for submitting a formal PAIA request;
- 2.2 have an understanding of how to make a request for access to a record of the ECDoE
- 2.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 2.4 know all the remedies available from the ECDoE regarding request for access to the records, before approaching the Regulator or the Courts;
- 2.5 the description of the services available to members of the public from the ECDoE and how to gain access to those services;
- 2.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.7 if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know if the ECDoE has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.9 know whether the ECDoE has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. VISION, MISSION AND VALUE OF THE EASTERN CAPE DEPARTMENT OF EDUCATION

- **Vision-** All learners provided with opportunities to become productive, responsible, and competitive citizens through an inclusive quality basic education system
- **Mission-** To achieve the vision, we will: Implement appropriate and relevant educational programmes through quality teaching and learning. Mobilise community and stakeholder support through participation. Institutionalise a culture of accountability at all levels of the Department.

- **Values-** High Performance, Responsiveness, Accountability, Empathy, Access, Equity & Integrity

4. OBJECTIVE, FUNCTIONS AND STRUCTURE OF THE EASTERN CAPE DEPARTMENT OF EDUCATION

- **Objectives/Mandate**

To provide learners with opportunities to become productive and responsible citizens through quality basic education by implementing appropriate and relevant programmes through quality teaching and learning. By mobilising community and stakeholders support through participation and institutionalise a culture of accountability at all levels of Education

- **Structure**

The structure of the department consists of the head office that is situated in Zwelitsha, Eastern Cape and twenty three (23) district offices. Each district office is headed by a district director as the head of the administration for that district and accounts to the Superintendent-General as an Accounting Officer as contemplated in section 36 of the PFMA.

Various Committees: Audit Committee, Budget Committee, Austerity Measures Committee, Risk Management Committee, Disciplinary Oversight Committee, Portfolio Committee, Ethics Committee, Portfolio Committee.

- **Functions**

The functions of the Department are derived from mandates in various pieces of legislation administered by the Department, as well as policy documents.

In terms of the Constitution of the Republic of South Africa (108 of 1996), as amended, the Department of Education is responsible for providing basic education to all learners in the province. This includes the provision of Adult Education and Training, General Education and Training.

5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE DEPARTMENT OF EDUCATION-EASTERN CAPE

Information Officer

Name: DR S NUKU- ACTING HEAD DEPARTMENT
Tel: 040 602 7016
Email: SNuku@ecdoe.gov.za
Fax number: 040 608 4372

Corporate Governance Officer:

Name: Mr Cele
Tel: 040 608 4511
Email: Mfanawethu.Cele@ecdoe.gov.za

Access to information general contacts

Email: Chantal.mcLean@ecdoe.gov.za

a. **National / Head Office**

Postal Address: Private Bag X895, PRETORIA, 0001

Physical Address: Department of Education
Sol Plaatjie House
222 Struben Street, Pretoria Central
PRETORIA, 0001

Telephone: 0800 202 933- Call Centre
012 357 3000-Switchboard

Email: info@dbe.gov.za

Website: webmaster@dbe.gov.za

6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE DEPARTMENT OF EDUCATION- EASTERN CAPE

- a) Requesting of Information
- b) internal appeal,
- c) process for complaining to the Information Regulator or any regulatory body; and/or
- d) process for approaching the Court with jurisdiction for appropriate relief.

7. 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, 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.
- The aforesaid Guide contains the description of-
 - i. the objects of PAIA and POPIA;
 - ii. 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 PAIA¹ and section 56 of POPIA²;
 - iii. the manner and form of a request for-

access to a record of a public body contemplated in section 11³; and

access to a record of a private body contemplated in section 50⁴;
 - iv. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
 - v. the assistance available from the Regulator in terms of PAIA and POPIA;
 - vi. 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-

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.

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;

- vii. 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;
- viii. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- ix. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- x. the regulations made in terms of section 92¹¹.

➤ 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-

- xi. upon request to the Information Officer;

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 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

⁹ Section 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.

¹⁰ Section 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.”

xii. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

8. DESCRIPTION RECORDS AND CATEGORIES OF RECORDS HELD BY THE ECDoE

Subjects on which the body holds records	Categories of records held on each subject
General Registry	General Registry is the custodian of all general records created and received by the ECDoE. All records pertaining to Legislation, Legal matters, Financial Management, Internal and External Audit, Corporate Services, Communication, Teacher Development, Information Technology and information services, Auxiliary services and Social Responsibility, planning, assessment, monitoring and evaluation.
Human Resources Chief Directorate	<ul style="list-style-type: none"> - HR policies and procedures; - Advertised posts; - Employees records; - Learning and development e.g.: skills development and training plans - Employment equity plan and statistics
Legal And Legislation Directorate	Litigation records, Legal Administration
Contracts Management	Legal Agreements(Service Level Agreements & Memorandum of Understanding)
Examination, Assessment and Curriculum	<p>Policies and regulations relating to Examinations and assessments.</p> <p>Examination Candidate information (information of candidates who will writing the NSC and SC examinations)</p> <p>Marks attained by candidates (raw and adjusted marks)</p> <p>Reports on monitoring of examination systems and processed within the province.</p>
EMIS (Education Management Systems	<p>EMIS provides for Statistics for all South African schools, both raw and correct data on the following:</p> <ul style="list-style-type: none"> • Learner performance per subject per learner

Subjects on which the body holds records	Categories of records held on each subject
	<ul style="list-style-type: none"> • Learner numbers per school per district • Learner promotion per grade, per school • Learner enrolment, per school, per grade (including gender, citizenship, language & population group)
Infrastructure	Memorandums signed by the ECDoE and various implementing agents School rationalisation and re-alignment policy Norms and Standards pertaining to school infrastructure and boarding facilities

9. CATEGORIES OF RECORDS OF THE DEPARTMENT OF EDUCATION-EASTERN CAPE WHICH ARE AVAILABLE ON THE ECDoE WEBSITE

- Examination papers (past years)
- Training material
- Legislation
- Media releases
- Publications
- Research material
- Speeches
- Strategic Plan of the ECDoE
- Annual Performance Plans
- Annual reports
- Circulars
- Evaluation reports
- Forms
- General reports
- Quarterly reports
- School forms
- School reports
- Study guides
- Teacher training
- School Management documents

10. REQUEST PROCESS AND FEES PAYABLE

- How to Access a record (information)
 - The requester must use form A that in Government Gazette [Government Notice R187 of 15 February 2002].
 - The request must clearly indicate whether the request is for a copy of a record or whether he/she wants to come in physically to look at the records at the office of the ECDoE.
 - The response to the request should be provided in the manner it was requested, unless doing so would damage the record of the ECDoE or infringe the copyright of such record. A fee must be calculated according to what is furnished to the requester.
 - If the information is being requested by a third party, such request must clearly indicate same, and must accompany the power of Attorney by the requester.
 - The record can be requested orally, or transcribed, as according to the request.
 - The request must be submitted to the Acting HOD, at SNuku@ecdoe.gov.za or the Sandra Naidoo, Deputy Information Officer, at SNaidoo@ecdoe.gov.za

- Fees payable for a request
 - There are two types of fees payable, the request fee and the access fee.
 - If the requester is requesting information of his/her person, then there is no fee payable, however should the request be of any other nature, then a fee is payable.
 - The information Officer or the DIO must inform the requester of the fees payable and may request such payment before the request is processed.
 - The requested fee payable to the ECDoE is R35-00, should the requester not be happy with such fees, he/she can lodge an internal appeal to the ECDoE, or an application to court against the payment of the stipulated fee.
 - Once a decision has been made by the IO and the DIO, the requester shall be notified of such decision in the method he/she has chosen for such notification.
 - If the request is granted a further fee -the access fee- must be paid for the search and preparation of the information.
 - A list of the prescribed fees is attached to this Manual as Annexure "A"

11. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE ECD_oE

The various laws in Education prescribe that consultation processes must take place with the identifiable person/s or bodies. Notice of such public participation is gazetted by the ECD_oE for responses by the various stakeholders and the public.

12. PROCESSING OF PERSONAL INFORMATION

Chapter 3 of the POPI Act provides for the minimum Conditions for the Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in the POPI Act.

The responsible party must ensure that the provisions as set out in Chapter 3 of the POPI Act and all the measures that give effect to such conditions, are complied with at the time of the determination of the purpose and means of the processing and during processing.

The ECD_oE at all times will comply with Section 5 of POPIA in ensuring that the Personal Information of the Data Subject:-

- (a) Is processed lawfully, fairly and transparently
- (b) Is processed only for the purposes for which it was collected
- (c) Will not be processed for a secondary purpose, unless that processing is compatible with the original purpose
- (d) Is adequate, relevant and not excessive for the purposes for which it was collected
- (e) Is accurate and kept up to date
- (f) Is processed in accordance with integrity and confidentiality principles, this includes physical and organisational measures to ensure that Personal Information in both physical and electronic form is subject to an appropriate level of security when stored, used and communicated by the ECD_oE, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage.
- (g) Is processed in accordance with the rights of the Data Subject.

Purpose of Processing

The Personal Information may only be processed for a specific purpose.

The ECD_oE used the Personal Information under its care in the following ways:

- Staff administration
- Keeping of educators and learners records
- Keeping of suppliers and service providers
- Records of the ECD_oE Stakeholders
- Tax compliance

Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be Processed
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets
Employees	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person

The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

Disclosure of Personal Information

The ECDoE may disclose Personal Information to other Provincial or National Departments. The ECDoE may also disclose Personal Information where there is a duty or right to disclose in terms of the applicable legislation, the law, or where it may be deemed necessary in order to protect the rights of the ECDoE.

13. THE RIGHTS OF THE DATA SUBJECT

The right to access personal information (Section 23 of POPIA)

The ECDoE acknowledges that a Data Subject has the right to establish whether the information held by the ECDoE is related to him/her, including the right to request such data.

The right to have personal information corrected or deleted (Section 24 of POPIA)

The Data Subject has a right to request, where necessary, that his /her/its personal information must be corrected or deleted where the ECDoE is no longer authorised to retain such personal information.

The right to object of the processing of Personal information

The Data Subject has a right, on reasonable grounds, to object to the processing of her/her personal information. In these circumstances, the ECDoE will give due consideration to the request and the requirements of POPIA.

The right to object to direct marketing

The Data Subject has the right to the processing of his/her or its personal information for processes of direct marketing by means of unsolicited electronic communications.

The right to be informed (Section 18 and 22 of POPIA)

The Data Subject has the right to be notified that his/her or its personal information has been collected by the ECDoE. The Data Subject also has a right to be notified of any situation where the ECDoE has reasonable grounds to believe that the personal information of the Data Subject has been accessed or acquired by an unauthorised person.

14. AVAILABILITY OF THE MANUAL

This Manual is made available in the following three official languages-

- English;
- Afrikaans
- IsiXhosa

A copy of this Manual or the updated version thereof, is also available as follows-

- on www.ecdoe.gov.za, if any, of the public body;
 - at the head office of the public body 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.

15. UPDATING OF THE MANUAL

The DEPARTMENT OF EDUCATION- EASTERN CAPE will, if necessary, update this manual and such Manual will be published annually.

Issued by



**DR S NUKU
ACTING HEAD OF DEPARTMENT**

ANNEXURE A

Prescribed fees

These fees are stipulated in Part II of Annexure A to the Regulations Regarding the Promotion of

Access to Information (published under GN R187 in GG 23119 of 15 February 2002).

1. The **fee for a copy of the manual** as contemplated in regulation 5(c) is R0,60 for every photocopy

of an A4-size page or part thereof.

2. Section 15(3) of the Act states: "The only fee payable (if any) for access to a record ... is a prescribed fee for reproduction." These **fees for reproduction** are as follows:

(a) For every photocopy of an A4-size page or part thereof: R0,60

(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form: R0,40

(c) For a copy in a computer-readable form on—

(i) stiffer disc R5,00

(ii) compact disc R40,00

(d) (i) For a transcription of visual images, for an A4-size page or part thereof R22,00

(iii) For a copy of visual images R60,00

(e) (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00

(iii) For a copy of an audio record R17,00

3. The **request fee** payable by every requester, other than a Personal Requester, referred to in regulation 7(2) is R35,00

4. The **access fees** payable by a requester referred to in regulation 7(3) are as follows:

(1) (a) For every photocopy of an A4-size page or part thereof R0,60

(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,40

(c) For a copy in a computer-readable form on—

(i) stiffer disc R5,00

(ii) compact disc R40,00

(d) (i) For a transcription of visual images, for an A4-size page or part thereof R22,00

(ii) For a copy of visual images R60,00

(e) (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00

(ii) For a copy of an audio record R17,00

(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

(2) For purposes of section 22(2) of the Act, the following applies:

(a) Six hours as the hours to be exceeded before a deposit is payable; and

(b) one third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a