

**WORKPLACE SKILLS DEVELOPMENT PARTNER PTY LTD (WSDP)  
 MANUAL PREPARED IN TERMS OF SECTION 51 OF  
 THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)**

**Note: This manual is based on “EXAMPLE OF A MANUAL FOR A PRIVATE BODY” issued by the South African Human Rights Commission, amended to meet the needs of Workplace Skills Development Partner Pty Ltd, with further additions to enhance its usefulness and comply with the Protection of Personal Information Act, No. 4 of 2013.**

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## **1 Introduction**

This manual has been developed for Workplace Skills Development Partner Pty Ltd, to ensure their compliance with POPIA. It is vital for the organisations to comply with this act due to the large volume of personal information the company, its employees and stakeholders all receive and distribute on behalf of learners, employees of clients and various other stakeholders. General information about Workplace Skills Development Partner Pty Ltd can be accessed via the internet on [www.workplacesdp.co.za](http://www.workplacesdp.co.za), which is available to all persons who have access to the internet.

## **2 About Us**

WSDP is passionate about providing impactful skills development solutions to their clients. The South African business environment is plagued with red tape and bureaucracy. Companies are expected to comply with various legislation which includes the Skills Development and SETA Acts, B-BBEE and Employment Equity, these are all critical for true and effective transformation.

Our team of specialists assist companies with maximizing and achieving their B-BBEE spend by providing creative and impactful solutions across the Skills Development, Procurement and Social Economic Development initiatives. We provide SETA accreditations and walk the journey with start up training providers in ensuring they are fully operational once accredited.

## **3 INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT**

Designated Head of **Workplace Skills Development Partner Pty Ltd**

Physical Address : **7 Quince Avenue, Media Mill, Milpark, 2193, of Workplace Skills Development Partner Pty Ltd**

Tel. No: **061 508 4294 of Workplace Skills Development Partner Pty Ltd:**

E- Mail address: [info@workplacesdp.co.za](mailto:info@workplacesdp.co.za) of Workplace Skills Development Partner Pty Ltd

**Tania Rhode, Director** is the person delegated to deal with requests (for “the designated head”):

E-mail address of the delegated designated head: [tania@workplacesdp.co.za](mailto:tania@workplacesdp.co.za)

## **4 DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10**

A Guide has been compiled in terms of Section 10 of PAIA by the South African Human Rights Commission (SAHRC). It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the offices of the Human Rights Commission at The Guide is available for inspection, *inter alia*, at the office of the South African Human Rights Commission at Braampark Forum 3, 33 Hoofd Street, Braamfontein, Johannesburg, Gauteng and at [www.sahrc.org.za](http://www.sahrc.org.za).

For further information please contact the SAHRC:

Postal Address: Private Bag 2700, Houghton, 2041  
Telephone Number: +27-11-877 3600  
Fax Number: +27-11-403 0625  
Email: [mnyuswa@sahrc.org.za](mailto:mnyuswa@sahrc.org.za)

From 1 July 2021 the contact details will be for

Information Regulator South Africa  
JD House, 27 Stiemens Street  
Braamfontein, Johannesburg, 2001

P.O Box 31533  
Braamfontein, Johannesburg, 2017  
General enquiries email: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za).

## **5 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION**

Records available in terms of other legislation are as follows:

Basic Conditions of Employment Act No. 75 of 1997  
Broad-based Black Economic Empowerment Act 53 of 2003  
Companies Act No 71 of 2008 and Applicable Regulations  
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993  
Consumer Affairs (Unfair Business Practice) Act No. 71 of 1988  
Consumer Protection Act 68 of 2008  
Copyright Act No. 98 of 1978  
Electronic Communications and Transactions Act No 25 of 2002  
Employment Equity Act. No. 55 of 1998  
Income Tax Act No 58 of 1962  
Labour Relations Act No 66 of 1995  
Occupational Health and Safety Act No. 85 of 1993  
Promotion of Access to Information Act No.2 of 2000  
Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000  
Protection of Personal Information Act 4 of 2013  
Skills Development Act 97 of 1998  
Skills Development Levies Act No 9 of 1999  
Unemployment Insurance Act No. 63 of 2001  
Unemployment Insurance Contributions Act No 4 of 2002  
Value Added Tax Act No 89 of 1991

## **6 RECORDS AUTOMATICALLY AVAILABLE**

No notice has been submitted by the company to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to

request access in terms of Section 52(2) of PAIA. However, the information on the website of the business is automatically available without having to request access in terms of PAIA.

## **7 SUBJECTS AND CATEGORIES OF RECORDS HELD BY WORKPLACE SKILLS DEVELOPMENT PARTNER PTY LTD**

The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

### **1. COMPANIES ACT RECORDS**

- Documents of Incorporation;
- Index of names of members of Close Corporation;
- Memorandum of Incorporation;
- Minutes of meeting of the Board of Directors;
- Minutes of meetings of Shareholders;
- Proxy forms
- Research and development;

Records relating to the appointment of:

- Directors;

### **2. FINANCIAL RECORDS**

- Accounting Records
- Annual Financial Reports;
- Annual Financial Statements
- Asset Registers;
- Bank Statements
- Banking details and bank accounts;
- Banking Records
- Invoices, Proof of payments, statements
- Policies and procedures;
- Rental Agreements; and
- Tax Returns.

### **3. INCOME TAX RECORDS**

- PAYE Records
- Documents issued to employees for income tax purposes
- All other statutory compliances:
  - VAT
  - Regional Services Levies
  - Skills Development Levies

- UIF
- Workmen's Compensation

#### **4. PERSONNEL DOCUMENTS AND RECORDS**

- Address Lists;
- Disciplinary Code and Records;
- Employee benefits arrangements rules and records;
- Employment Contracts;
- Employment Equity Plan
- Forms and Applications;
- Grievance Procedures;
- Leave Records;
- Medical Aid Records;
- Payroll reports/ Wage register;
- Pension Fund Records;
- Safety, Health and Environmental records;
- Salary Records;
- SETA records
- Standard letters and notices
- Training Manuals;
- Training Records;
- Workplace and Union agreements and records.
- ID documents
- Qualifications
- Statement of accounts (learners at higher institutions)
- Higher Institution learner information and financial records
- Employer training activities and costs associated with it'
- Company training IP

#### **5. PROCUREMENT DEPARTMENT**

- Standard Terms and Conditions for supply of services and products;
- Contractor, client and supplier agreements;
- Lists of suppliers, products, services and distribution; and
- Policies and Procedures.

#### **6. SALES DEPARTMENT**

- Customer details
- Information and records provided by a third party

#### **7. MARKETING DEPARTMENT**

- Advertising and promotional material

**8. Risk Management and Audit**

- Audit reports;

**9. SAFETY, HEALTH AND ENVIRONMENT**

- Complete Safety, Health and Environment Risk Assessment
- Environmental Managements Plans
- Inquiries, inspections, examinations by environmental authorities
- H&S compliance reports and certificates

**10. IT DEPARTMENT**

- Computer / mobile device usage policy documentation;
- Disaster recovery plans;
- Hardware asset registers;
- Information security policies/standards/procedures;
- Information technology systems and user manuals
- Information usage policy documentation;
- System documentation and manuals.

**8 PURPOSE OF PROCESSING OF PERSONAL INFORMATION**

- To support sales and marketing activities
- To support recruitment and management of staff
- To support engagement with suppliers
- To support engagement with the general public
- To support engagement with investors and the media
- To support engagement with various government bodies
- To support engagement with various training providers and higher education institutions

**9 DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION**

- Customers: record of customer life cycle
- Employees: record of employee life cycle
- Suppliers: record of supplier life cycle
- General public: tracking general enquiries and web site visits
- Media: records of media interactions
- Online activity (webinars, panel discussions etc.)
- Learners: record of their demographics, address, wages, employment contracts, payslips, financial statements
- Employers: records such as SDL number, annual payroll, annual spend on training, payments made to them, payments made by them

**10 PLANNED RECIPIENTS OF PERSONAL INFORMATION**

- Statutory authorities
- Law enforcement
- Tax authorities
- Financial institutions

- Employee pension and provident funds
- Industry bodies
- SETA's
- External consultants
- Employers
- B-BBEE companies
- Training providers

#### **11 PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION**

- Flows to service providers/operators
- Flows to business partners
- Flows to customers
- Flows to suppliers
- Flows through the use of social media

#### **12 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION**

- Physical security measures
- Cyber security measures
- Training in information security
- Policies in information security

#### **13 DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS**

The requester must complete Form C and submit this form together with a request fee, to the head of Workplace Skills Development Partner Pty Ltd. The form must be submitted to the head of Workplace Skills Development Partner Pty Ltd at her address, fax number, or electronic mail address as stated earlier in this manual.

Form of request:

- The requester must use the prescribed form, as attached in terms of Article 8 of this manual, to make the request for access to a record. This must be made to the designated head. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester.
- The requester should indicate which form of access is required.
- The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].

- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated head of the private body [s 53(2)(f)].
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- Every other requester, who is not a personal requester, must pay the required request fee.
- The designated head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to a private body is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees 54(3)(b)].
- After the designated head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

#### Grounds for refusing a request

Workplace Skills Development Partner Pty Ltd has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.

#### **14 AVAILABILITY OF THE MANUAL**

This manual is available for inspection at the office of WSDP free of charge.



**Signature of Designated Head of the Private Body**

**Tania Rhode**

**Name of Designated Head of the Private Body**

**(Note: each page should be initialled to complete the signing process).**

**Date of signature: 23 June 2021**

**Publication date of this manual: 23 June 2021**

**Next revision date of this document: 22 June 2022**





## 15 FEES IN RESPECT OF PRIVATE BODIES

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated:

Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
  - a. (a) For every photocopy of an A4-size page or part thereof R1,10
  - b. (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0,75
  - c. (c) For a copy in a computer-readable form on - (i) stiffer disc R 7,50; (ii) compact disc R 70,00
  - d. (d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00, (ii) For a copy of visual images R 60,00
  - e. (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00
3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in Regulation 11(3) are as follows:
  1.
    - a) For every photocopy of an A4-size page or part thereof R 1,10;
    - b) For every printed copy of an A4-size page or part; thereof held on a computer or in electronic or machine-readable form R 0,75;
    - c) For a copy in a computer-readable form on - (i) stiffer disc R 7,50; (ii) compact disc R 70,00
    - d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00; (ii) For a copy of visual images R 60,00
    - e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00
    - f) To search for and prepare the record for disclosure, R30,00; for each hour or part of an hour reasonably required for such search and preparation.
  2. For purposes of section 54(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 requester.

**16 FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

In terms of Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) [Regulation 10]

**A. Particulars of private body**

The Head (name of body): \_\_\_\_\_

**B. Particulars of person requesting access to the record**

- (a) The particulars of the person who requests access to the record must be given below.*
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.*
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person: \_\_\_\_\_

\_\_\_\_\_

**C. Particulars of person on whose behalf request is made**

*This section must be completed ONLY if a request for information is made on behalf of another person.*

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**D. Particulars of record**

*(a) 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.*

*(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.*

**The requester must sign all the additional folios.**

1. Description of record or relevant part of the record: \_\_\_\_\_
2. Reference number, if available: \_\_\_\_\_
3. Any further particulars of record: \_\_\_\_\_

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (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 for exemption from payment of fees: \_\_\_\_\_

**F. Form of access to record**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.*

Disability: \_\_\_\_\_

Form in which record is required: \_\_\_\_\_

**NOTES:**

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate choice with an X.

1. **If the record is in written or printed form:**
  - copy of record
  - inspection of record
2. **If record consists of visual images**



(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

- view the images copy of the images
- transcription of the images

**3. If record consists of recorded words or information which can be reproduced in sound:**

- listen to the soundtrack (audio file)
- transcription of soundtrack (written or printed document)

**4. If record is held on computer or in an electronic or machine-readable form:**

- printed copy of record
- printed copy of information
- derived from the record
- copy in computer readable form
- (stiffy or compact disc)

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.

- YES
- NO

**G. Particulars of right to be exercised or protected**

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

1. Indicate which right is to be exercised or protected: \_\_\_\_\_

2. Explain why the record requested is required for the exercise or protection of the aforementioned right: \_\_\_\_\_

**H. Notice of decision regarding request for access**

*You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

How would you prefer to be informed of the decision regarding your request for access to the record?

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

**SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE**

