

# PAIA MANUAL

held by

Gauteng Partnership Trust trading as the Gauteng Partnership Fund

Registration number IT 2422/2002

**(“GPF”)**

prepared in accordance with section 14 of the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) (as amended) and in compliance with the requirements of the Protection of Personal Information Act, No.4 2013 (“POPIA”) (as amended).

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## TABLE OF CONTENTS

<b>1. DEFINITIONS AND ACRONYMS .....</b>	<b>3</b>
<b>2. INTRODUCTION .....</b>	<b>5</b>
<b>3. PURPOSE OF THE PAIA MANUAL .....</b>	<b>5</b>
<b>4. OVERVIEW OF THE GPF .....</b>	<b>6</b>
<b>5. STRUCTURE OF THE GPF .....</b>	<b>6</b>
<b>6. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE GPF .....</b>	<b>7</b>
<b>7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE .....</b>	<b>7</b>
<b>9. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY) .....</b>	<b>9</b>
<b>10. RECORDS AVAILABLE ON REQUEST .....</b>	<b>9</b>
<b>11. RECORDS AVAILABLE WITHOUT A REQUEST .....</b>	<b>11</b>
<b>12. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION .....</b>	<b>11</b>
<b>13. REQUEST FOR ACCESS TO INFORMATION .....</b>	<b>12</b>
<b>14. REFUSAL OF ACCESS TO RECORDS .....</b>	<b>13</b>
<b>14. PRESCRIBED FEES (SECTION 51 (1) (f)) .....</b>	<b>15</b>
<b>15. DECISION .....</b>	<b>17</b>
<b>16. REMEDIES FOR REFUSAL OF A REQUEST .....</b>	<b>17</b>
<b>17. ACCESS TO RECORDS .....</b>	<b>18</b>
<b>18. PROCESSING OF PERSONAL INFORMATION .....</b>	<b>19</b>
<b>19. AVAILABILITY OF THE MANUAL .....</b>	<b>21</b>
<b>20. UPDATING OF THE MANUAL .....</b>	<b>21</b>
<b>ANNEXURE A - FORM 2 .....</b>	<b>22</b>

## 1. DEFINITIONS AND ACRONYMS

In this Manual, unless the context indicates a contrary intention, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings -

- 1.1. **“Consent”** means any voluntary, specific, and informed expression of will in terms of which permission is given for the Processing of Personal Information;
- 1.2. **“Data Subject”** means a person to whom Personal Information relates;
- 1.3. **“Deputy Information Officer”** means a person delegated to assist the Information Officer with the performance of his or her responsibilities and duties with proper fulfilment of his or her mandate as prescribed in POPIA, Section 56 read together with the provisions of Section 17 of PAIA.
- 8.1. **“Employee”** means any permanent or temporary Employee, officer, agent, or independent contractor, who works for the GPF on a temporary or permanent basis and who receives, or is entitled to receive, any remuneration, and any other person who in any manner assists in carrying on or conducting the business of the GPF. This includes, without limitation, Trustees (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers. The terms “employed” and “employment” will have a corresponding meaning;
- 1.4. **“Information Officer”** means the person appointed by GPF as such, whose responsibility is to ensure the organisation’s compliance with POPIA. Where no Information Officer has been appointed, the Chief Executive Officer of the GPF will be responsible for performing the Information Officer’s duties;
- 1.5. **“PAIA”** means the Promotion of Access to Information Act No. 2 of 2000, as amended;
- 1.6. **“Person”** means a natural person or a juristic person;
- 1.7. **“PFMA”** means the Public Finance Management Act No.1 of 1999, as amended;
- 1.8. **“POPIA”** means the Protection of Personal Information Act No.4 of 2013;
- 1.9. **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –
  - 1.9.1. Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of a person;

- 1.9.2. Information relating to the education or the medical, financial, criminal or employment history of the person;
- 1.9.3. Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;
- 1.9.4. the biometric information of the person;
- 1.9.5. the personal opinions, views, or preferences of the person;
- 1.9.6. correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 1.9.7. the views or opinions of another individual about the person; and
- 1.9.8. the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 1.10. **“Processing/Process”** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including –
  - 11.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - 11.2. dissemination by means of transmission, distribution or making available in any other form; or
  - 11.3. merging, linking as well as restriction, degradation, erasure or destruction of information;
- 1.12. **“Record”** means any recorded information, regardless of form or medium, in the possession or under the control of the responsible party;
- 1.13. **“Regulator”** means either –
  - 13.1. the Information Regulator established in terms of POPIA, or
  - 13.2. any relevant supervisory authority or other data protection legislation;
- 1.14. **“Requester”** means any person making a request for access to a record at the GPF;
- 1.15. **“Responsible Party”** means GPF, which is the party that possesses personal information, determines the purpose for which the personal information is needed and can outsource a part or all the processing of the information to a third party;
- 1.16. **“Service Providers”** means third parties that are Natural or Juristic Persons with whom GPF contracts for the rendering of specific services (e.g., suppliers, sub-contracted suppliers, third parties etc.);

## **2. INTRODUCTION**

- 2.1. The Promotion of Access to Information Act, No. 2 of 2000 (the “Act”), as amended, gives effect to section 32 of the Constitution of the Republic of South Africa 108 of 1996 (the “Constitution”) which gives the right to access to any information held by the state and/or another person, that is required for the exercise or protection of any right.
- 2.2. Where a request is made in terms of the Act, the body to whom the request is made must consider whether to release the information, giving due consideration to applicable legislative and/or regulatory requirements, except where the Act expressly states that the records containing such information may not be released.
- 2.3. This manual, which is compiled in accordance with section 14 of the Act and complies with the requirements of the Protection of Personal Information Act, No. 4 of 2013 (“POPIA”), is intended to inform a requestor of information, about the procedure for requesting information from the holder. This manual further incorporates the requirements of the POPIA and sets out the framework for GPF’s compliance with the same.
- 2.4. Where reference is made to the “processing” of personal information, this will include any activity in which information is worked with, from the time that it is collected, up to the time that it is destroyed, regardless of whether it is worked with manually, or by automated systems.

## **3. PURPOSE OF THE PAIA MANUAL**

- 3.1. This PAIA Manual is useful for the public to –
  - 3.1.1. check the nature of the records which may already be available at GPF, without the need for submitting a formal PAIA request;
  - 3.1.2. have an understanding of how to make a request for access to a record of the GPF;
  - 3.1.3. access all the relevant contact details of the persons who will assist the public with records they intend to access;
  - 3.1.4. know all the remedies available from the GPF regarding request for access to the records, before approaching the Regulator or the Courts;
  - 3.1.5. the description of the services available to members of the public from the GPF and how to gain access to those services;
  - 3.1.6. a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

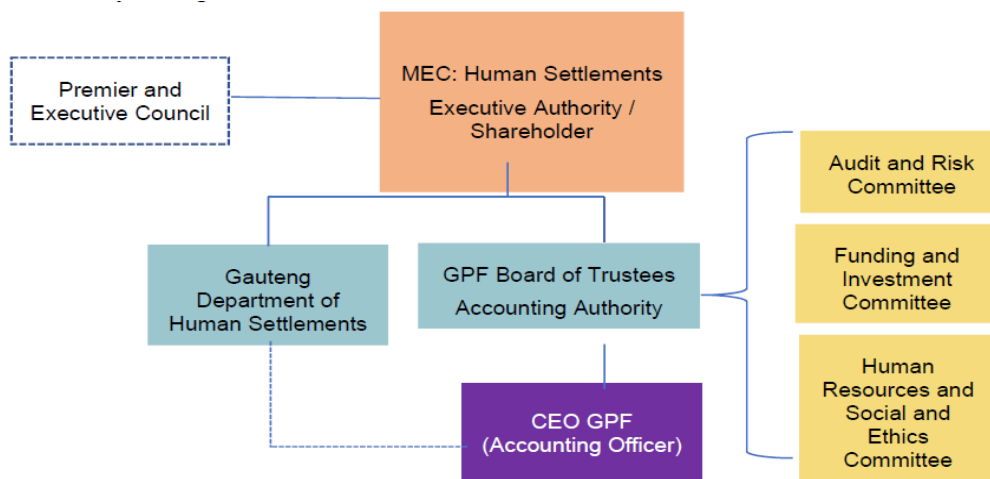
- 3.1.7. if the body will process personal information, the purpose of processing of personal information and the description of categories of data subjects and of the information or categories of information relating thereto;
- 3.1.8. know whether GPF has appropriate security measures to ensure the confidentiality, integrity and availability of personal information which is to be processed.

**4. OVERVIEW OF THE GPF**

- 4.1. GAUTENG PARTNERSHIP TRUST trading as GAUTENG PARTNERSHIP FUND (“GPF”) is a trust under the Trust Property Control Act 57 of 1988 founded in 2002 by the Member of the Executive Committee (“ME”) for Gauteng Department of Human Settlement as its founder and listed under the PFMA as a Schedule 3C public entity.
- 4.2. The GPF plays the role of as a financing vehicle and an implementing agent for integrated and sustainable human settlements in the Gauteng province.
- 4.3. The GPF reports to the Gauteng Department of Human Settlements from which it receives its annual budget allocation.
- 4.4. The GDHS has appointed the GPF as its implementing agent in various projects including mega projects, the upgrading of informal settlements and urban renewal in Gauteng.

**5. STRUCTURE OF THE GPF**

- 5.1. The diagram below reflects the Corporate Governance Structure of the GPF.



## **6. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE GPF**

### **6.1. INFORMATION OFFICER**

The Chief Executive Officer of the GPF, Lindiwe Kwele is the appointed Information Officer of the GPF.

Her contact details are listed hereunder:

Physical Address:

1<sup>st</sup> Floor, 82 Grayston Drive, Sandton

Telephone: 011 685-6601

Email: [lindiwek@gpf.org.za](mailto:lindiwek@gpf.org.za)

### **6.2. DEPUTY INFORMATION OFFICER**

The Legal and Compliance Manager of the GPF, Ms. Thandi Kuzwayo is the appointed Deputy Information Officer of the GPF.

Her contact details are listed hereunder:

Telephone: 011 685-6610/ 079-434-7413

Email : [thandiwek@gpf.org.za](mailto:thandiwek@gpf.org.za)

### **6.3. HEAD OFFICE**

Physical Address: 82 Grayston Drive,  
Benmore,  
Sandton,  
2196

Telephone: (011) 685-6600

Email: [info@gpf.org.za](mailto:info@gpf.org.za)

Website: [www.gpf.org.za](http://www.gpf.org.za)

6.4. The Information Officer shall oversee the functions and responsibilities as required in terms of the Act and section 55 of POPIA, after registration with the Information Regulator.

6.5. The Information Officer may delegate some of the functions and responsibilities delegated to him/her by the Act and POPIA, to the Deputy Information Officer.

6.6. All requests for information must be addressed to the Information Officer.

## **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 fax number 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 PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
  - 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 11<sup>3</sup>; and
    - 7.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
  - 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 or a public body, a decision or internal appeal or a decision by the Regulator or a decision of the head of a private body;

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

- 7.3.7. the provisions of section 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 7.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> 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 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
- 7.3.10. the regulations made in terms of section 92<sup>11</sup>.
- 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/inforreg/>).

## 9. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY)

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of PAIA.

## 10. RECORDS AVAILABLE ON REQUEST

- 10.1. The GPF holds the following records which may be available only on request in terms of section 51(1)(e).

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<sup>5</sup> Section 14(1) of PAIA – The information officer of a public body must, in at least 3 official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> 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.

<sup>7</sup> 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 the public body that are automatically available without a person having to request access.

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> 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 the 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.”

SUBJECTS ON WHICH THE BODY HOLDS RECORDS	CATEGORIES OF RECORDS HELD ON EACH SUBJECT
Strategic Documents	<p>GPF Policies and Procedures</p> <p>Client/Applicant records processed and generated as part of GPF's funding processes</p> <p>Minutes of meetings and decision records</p> <p>GPF's operational records</p>
Finance	<p>Financial Accounting Records</p> <p>Annual Financial Reports</p> <p>Annual Financial Statements</p> <p>Asset Registers</p> <p>Bank Statements</p> <p>Banking records</p> <p>Debtors/Creditor Statements and Invoices</p> <p>General Ledgers and Subsidiary Ledgers</p> <p>General Reconciliations</p> <p>Income Tax Records</p> <p>Invoices</p> <p>PAYE Records</p> <p>Tax Returns</p>
Human Resources	Employee Records
Information Services	<p>IT Records Computer / mobile device usage policy documentation</p> <p>Disaster Recovery Plans</p> <p>Hardware Asset Registers</p> <p>Information security policies/standards/procedures;</p> <p>Information technology systems and user manuals</p> <p>Information usage policy documentation</p> <p>Software licensing; and</p> <p>System documentation and manuals</p>
Legal	<p>Agreements</p> <p>Registration Records</p> <p>Documents of Incorporation</p>

	Trust Deed Letters of Authority
Supply Chain Management	Purchase Orders, requisitions and journals SCM Committee records Service Providers and other 3 <sup>rd</sup> party information Tender related documents

9.2. Access to the records stipulated above may be subject to the grounds of refusal set out in this manual. Amongst others, records deemed confidential on the part of a third party, will require permission from the third party concerned, in addition to normal requirements, before the granting of access may be considered.

## 11. RECORDS AVAILABLE WITHOUT A REQUEST

11.1. The following records are available on payment of the prescribed fees for copies without completing the prescribed form in terms of the Act.

- a) Record of a public nature;
- b) Records disclosed on the GPF website;
- c) Non-confidential reports;
- d) Statutory records such as those maintained at the CIPC;
- e) Other non-confidential records such as newsletters, brochures, and similar.

11.2. Requests for such records must be directed to the Information Officer.

11.3. An appointment to view such records will have to be made with the Information Officer.

## 12. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

12.1. The GPF retains records and documents in terms of other legislation listed below.

12.2. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement, or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below-mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information.

12.3. A request to access must be done in accordance with the prescriptions of the Act.

- a) Basic Conditions of Employment Act, No 75 of 1997;
- b) Broad-Based Black Economic Empowerment Act, No 75 of 1997;
- c) Companies Act, No 71 of 2008;

- d) Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
- e) Competition Act, No.71 of 2008;
- f) Constitution of the Republic of South Africa 2008;
- g) Copyright Act, No 98 of 1978;
- h) Electronic Communications Act, No 36 of 2005;
- i) Electronic Communications and Transactions Act, No 25 of 2002;
- j) Employment Equity Act, No 55 of 1998;
- k) Financial Intelligence Centre Act, No 38 of 2001;
- l) Identification Act, No. 68 of 1997;
- m) Income Tax Act, No 58 of 1962;
- n) Intellectual Property Laws Amendment Act, No 38 of 1997;
- o) Labour Relations Act, No 66 of 1995;
- p) Prescription Act, No 68 of 1969;
- q) Prevention of Organised Crime Act, No 121 of 1998;
- r) Promotion of Access to Information Act, No 2 of 2000;
- s) Protection of Personal Information Act, No. 4 of 2013;
- t) Public Finance Management Act, No. 1 of 1999;
- u) Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002;
- v) Trust Property Control Act, No. 57 of 1988;
- w) Unemployment Insurance Act, No 30 of 1996; and
- x) Value Added Tax Act, No 89 of 1991.

12.4. Whilst every care was taken to provide a comprehensive list of applicable legislation, this list may be incomplete. To this end, this list shall be updated accordingly as and when the GPF receives new information to this effect.

12.5. If a Requester believes that a right of access to a record exists in terms of other legislation not listed above, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity to consider the request in light thereof.

12.6. The accessibility of documents and records requested as a result of other legislation, may be subject to the grounds of refusal, set out in this Manual.

### **13. REQUEST FOR ACCESS TO INFORMATION**

13.1. The Requester must comply with all the procedural requirements contained herein relating to the request for access to information.

- 13.2. A request for access to a record must be made on the prescribed request form, (Form 2) (Annexure A) and sent to the Information Officer on the details as mentioned in Par 6.1. above. These forms are available from:
- 12.2.1. The GPF Website.
  - 12.2.2. The Information Regulator website.
- 13.3. The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:
- a) the information or records requested;
  - b) the identity of the requester;
  - c) the form of access required;
  - d) the postal address or fax number of the requester in the Republic; or
  - e) if the requester wishes to be informed of the decision in a different manner (in addition to written), the manner and particulars thereof; and
  - f) the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- 13.4. The GPF will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer, that circumstances dictate urgency.
- 13.5. The requester shall be advised whether access is granted or denied in writing.
- 13.6. In addition, the Information Officer will include the reason for the decision.
- 13.7. Should a request be made on behalf of another person, then the requester must submit proof of the capacity in they are acting to the satisfaction of the Information Officer (section 53(2)(f)).
- 13.8. Should an individual be unable to complete the prescribed form, owing to illiteracy or disability, such a person may make the request orally.
- 13.9. The requester must pay the prescribed fee before the request can be processed.
- 13.10. All information listed in Par 13.3 should be provided, failing which, the process will be delayed until the required information is provided.
- 13.11. The prescribed time periods will not commence until the requester has furnished all the required information and paid the prescribed fee.
- 13.12. The Information Officer shall partition information, if possible, and only grant the requester, access to the requested portion.

#### **14. REFUSAL OF ACCESS TO RECORDS**

- 14.1. The GPF is entitled to refuse a request for information in terms of the Act.
- 14.2. Access to information may be subject to the grounds of refusal.

- 14.3. Amongst others, records deemed confidential on the part of a third party, will require permission from the third party concerned, in addition to normal requirements, before the granting of access may be considered.
- 14.4. The main grounds for the GPF to refuse a request for information are:
- 13.4.1. mandatory prohibition on the processing of special personal information, if the records are classified as special personal information in terms of section 26 of POPIA;
  - 13.4.2. mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in POPIA, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
  - 13.4.3. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of POPIA;
  - 13.4.4. mandatory protection of the commercial information of a third party (section 64) if the record contains:
    - a) trade secrets of the third party;
    - b) financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
    - c) information disclosed in confidence by a third party to the GPF if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
    - d) mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
    - e) mandatory protection of the safety of individuals and the protection of property (section 66);
    - f) mandatory protection of records that would be regarded as privileged in legal proceedings (section 67).
    - g) the commercial activities (section 68) of a private body, such as GPF which may include:
      - i. trade secrets of GPF;
      - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of GPF;

- iii. the information which, if disclosed could put GPF at a disadvantage in negotiations or commercial competition;
- iv. a computer program which is owned by the GPF which is protected by copyright;
- v. research information (section 69) of the GPF or a third party, if its disclosure would disclose the identity of the GPF, the researcher, or the subject matter of the research and would place the research at a serious disadvantage.

13.4.5. Requests for information that are frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

13.4.6. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

13.5. If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record.

13.6. Such notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act.

13.7. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

#### **14. PRESCRIBED FEES (SECTION 51 (1) (f))**

14.1. The Act provides for two types of fees, namely:

14.1.1. A request fee, which is a form of an administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and

14.1.2. An access fee, which is paid by all requesters if a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

14.2. When a request is received by the Information Officer, he/she shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before processing of the request.

14.3. If the search for the information has been made and the preparation of the record for disclosure, including an arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the

Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

- 14.4. If the preparation of the record requested requires more than the prescribed hours 6 (six), a deposit of no more than a third of the payable access fee shall be paid.
- 14.5. The Information Officer shall withhold a record until the requester has paid the requested fees.
- 14.6. A requester whose request for access to information has been granted must pay an access fee that is calculated to include, where applicable, the request fee, the processing fee for reproduction, search, and preparation, and for any time reasonably required over the prescribed hours to search for and prepare the record for disclosure including planning to make it available in the request form.
- 14.7. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer will repay the deposit to the requester.
- 14.8. Where the GPF has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for the reproduction of the record in question.
- 14.9. Where a requester submits a request for access to information about a person other than the requester himself/herself, a request fee in the amount of R100,00 is payable up-front before the institution will further process the request received.
- 14.10. An access fee is payable where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or exclusion is determined by the Minister in terms of section 54(8). A requester may query the payment of the requested fee and/or deposit with the Information Officer. Should the requester find the decision unsatisfactory, he/she may lodge an application with a court.
- 14.11. The Fee Schedule is as follows:
  - 14.11.1. Request Fee Fees for Requesting Records (Excluding exempt people in terms of the Act) R100 Access Fee. Information in an A-4 size page photocopy or part thereof R1.50.
  - 14.11.2. A printed copy of an A4-size page or part thereof R1.50.
  - 14.11.3. A copy in computer-readable format, for example: Flash Drive R40, Compact disc if provided by the requester R40.00, if provided to the requester R60.

- 14.11.4. A transcription of visual images, in an A4-size page or part thereof. This service will be outsourced. The fee will depend on the quotation of the service provider.
- 14.11.5. A copy of visual images. This service will be outsourced. The fee will depend on the quotation of the service provider.
- 14.11.6. A transcription of an audio record for an A4-size page or part thereof R24.00.
- 14.11.7. A copy of an audio record on a flash drive R40.00, Compact disc if provided by the requester R40.00, if provided to the requester R60.
- 14.11.8. Search and preparation of the record for disclosure. Excluding the first hour reasonable required for the search and preparation, R100 per hour. The search and preparation fee cannot exceed R300.
- 14.11.9. Deposit – If the search exceeds 6 hours. One third of the amount per request. Calculated in terms of 11.14.2 and 11.14.7.
- 14.11.10. Postage Fee, Actual Fee Incurred.

## **15. DECISION**

- 15.1. The GPF will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give written notice with reasons to that effect.
- 15.2. The 30 (thirty) day period within which the GPF must decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large amount of information, or the request requires a search for information held at another location and the information cannot reasonably be obtained within the original 30 (thirty) day period.
- 15.3. The GPF will notify the requester in writing should an extension be sought.

## **16. REMEDIES FOR REFUSAL OF A REQUEST**

### **16.1. Internal Remedies**

- 16.1.1. The GPF does not have internal appeal procedures as the decision made by the Information Officer is final.
- 16.1.2. A requester will need to exercise external remedies should the request for information be refused, and they are not satisfied with the decision by the Information Officer.

### **16.2. External Remedies**

- 16.2.1. A complaint can be lodged with the Information Regulator by completing PAIA Form 5 available at <https://www.justice.gov.za/infoereg/>. The complaint should be completed in writing and submitted to [PAIAComplaints@infoRegulator.org.za](mailto:PAIAComplaints@infoRegulator.org.za).
- 16.2.2. A requestor and/or third party that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of receipt of notification of the decision apply to the High Court with jurisdiction, for relief.
- 16.2.3. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court, and a Magistrate's Court designated by the Minister of Justice and Constitutional Development.

## **17. ACCESS TO RECORDS**

- 17.1. Records held by the GPF may be accessed by request only once the prerequisite requirements for access have been met.
- 17.2. A requester is any person requesting access to information. There are two types of requesters:
- 17.2.1. Personal Requester
- 17.2.1.1. A personal requester is a requester who is seeking access to information containing personal information about the requester.
- 17.2.1.2. In terms of section 23(1)(b) of POPIA, a personal requester is entitled to request from a responsible party confirmation as to whether personal information relating to the data subject is being processed, as well as access to the record or a description of the personal information held. The GPF will, upon receipt of a duly completed request and subject to verification of the requester's identity, voluntarily provide access to the requested personal information or records containing such information in accordance with the provisions of POPIA, within a reasonable time, in the prescribed manner and format, and upon payment of any prescribed fee where applicable.
- 17.2.2. Other Requester
- a) This requester is entitled to request access to information on third parties.
- b) In considering such a request, the Information Officer will take all reasonable steps to inform the third party to whom the requested record relates of the request.

## **18. PROCESSING OF PERSONAL INFORMATION**

### **18.1. PURPOSE OF PROCESSING**

18.1.1. In terms POPIA, data must be processed for a specific purpose. The purpose for which data is processed by the GPF will depend on the nature of the data and the particular data subject. The purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.

18.1.2. To safeguard the privacy and protection of personal information, all personal Information processed by GPF is managed in terms of the GPF Privacy Policy and POPIA principles.

### **18.2. DESCRIPTION OF THE CATEGORIES OF DATA SUBJECTS AND OF THE INFORMATION OR CATEGORIES OF INFORMATION RELATING THERETO**

18.2.1. The GPF holds personal information relating to:

- a) Assessment of funding applications;
- b) Confirmation, verification and updating of client records;
- c) Client relationship management;
- d) Compliance with legal and regulatory requirements;
- e) Employee records;
- f) Fraud prevention and detection;
- g) General administration, financial and tax purposes;
- h) Holding and administering of securities;
- i) Medical Certificates and other records relating to the health of employees;
- j) Political persuasion;
- k) Race or ethnic origin of employees, clients and service providers;
- l) Recruitment;
- m) Supplier records;
- n) Trade union membership for personnel.

18.2.2. The table below sets out the categories of the data subjects and description of the nature or categories of the personal information to be processed.

<b>Categories of Data Subjects</b>	<b>Personal Information that may be Processed</b>
Natural Persons	Names and Surname; contact number, fax number, email address, Residential, postal or business address, ID Numbers and confidential correspondence.

Juristic Persons	Names of contact persons, name of legal entity; physical and postal address; contact numbers, fax number, email address, registration number, financial, commercial and technical information.
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 biometric information of the employee. Personal Information of their relatives (family members) including race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, disability.

### **18.3. THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED**

18.3.1. Depending on the nature of the data, the GPF may share information or records with the following categories of recipients:

- a) Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- b) Any court, administrative or judicial forum, arbitration, statutory commission making a request for data;
- c) South African Revenue Services (SARS) or other similar authority;
- d) Personal information verification and credit reference agencies;
- e) Professional advisors and consultants;
- f) Law enforcement agencies such as the South African Police Services (SAPS);
- g) Subject to the provisions of POPIA and the National Credit Act, 2005, GPF may share information about a client's creditworthiness with a credit bureau.

### **18.4. GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY THE RESPONSIBLE PARTY TO ENSURE THE CONFIDENTIALITY, INTEGRITY AND AVAILABILITY OF THE INFORMATION**

18.4.1. All reasonable precautions have been taken, and appropriate, reasonable technical and organisational measures put in place, with regard to the nature of Personal Information and the risk of the Processing, to preserve the security of the Personal

Information and, in particular, prevent its alteration, loss and damage, or access by non-authorised persons.

- 18.4.2. Measures have been put in place, having regard to generally accepted information security practices or industry specific requirement or professional rules, to identify internal and external security risks; maintain safeguards against such risks; regularly verify that the safeguards are effective and continually update safeguards in response to new risks.
- 18.4.3. Adequate levels of security of Personal Information under GPF's control is provided by considering the state of the art, the cost of implementation and the nature, scope, context and purposes of Processing the Personal Information.
- 18.4.4. All paper and electronic records comprising Personal Information is securely stored and made accessible only to authorised individuals.
- 18.4.5. All new employees must sign contracts containing contractual terms for the use and storage of information.
- 18.4.6. All contracts with Operators must include confidentiality clauses to reduce the risk of unauthorised disclosures of Personal Information for which GPF is responsible.

## **19. AVAILABILITY OF THE MANUAL**

- 19.1. This Manual is made available in English.
- 19.2. A copy of this Manual or the updated version thereof, is also available as follows –
  - 19.2.1. on GPF's website ([www.gpf.org.za](http://www.gpf.org.za));
  - 19.2.2. at the head office for public inspection during normal business hours;
  - 19.2.3. to any person upon request free of charge; and
  - 19.2.4. to the Information Regulator upon request.

## **20. UPDATING OF THE MANUAL**

- 20.1. The GPF will, if necessary, update and publish this Manual annually.

## ANNEXURE A - 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

Gauteng Partnership Fund
82 Grayston Drive,
Benmore,
Sandton
2196

E-mail address: [lindiwek@gpf.org.za](mailto:lindiwek@gpf.org.za)

Copy To: [thandiwek@gpf.org.za](mailto:thandiwek@gpf.org.za)

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made ( <i>when made on behalf of another person</i> )			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		

Full names of person on whose behalf request is made ( <i>if applicable</i> ):			
Identity Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<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 other particulars of record:			
<b>TYPE OF RECORD</b> <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	
<b>FORM OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	
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>	
<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

<b>FEES</b>	
a) <i>A request fee must be paid before the request will be considered.</i> b) <i>You will be notified of the amount of the access fee to be paid.</i> c) <i>The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</i> d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

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

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature of Requester / person on whose behalf request is made**

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**FOR OFFICIAL USE**

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name and Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

\_\_\_\_\_  
**Signature of Information Officer**