

Promotion of Access to Information and Protection of Personal Information Act Policy Manual

1. Introduction to PAIA

- (a) South Africa's system of government, before 27 April 1994, resulted in a secretive and unresponsive culture in public and private bodies, which often led to an abuse of power and human rights violations.
- (b) The Promotion of Access to Information Act, 2 of 2000 ("PAIA") and related legislation such as the Protection of Personal Information Act, 4 of 2013 ("POPIA"), provides you with the right of access to information held by public and private bodies, when you request such information for the exercise or protection of any of your or another person's rights.
- (c) If you make such a request, a public or private body must release the information unless PAIA or any other relevant law states that the records containing such information may not be released.
- (d) For purposes of this Manual, we refer to ourselves as "NYDA", "we", "us" or "our". We have compiled this Manual to inform you of, and guide you through, the procedural and other requirements with which a PAIA request must comply.

2. Functions of NYDA

- (a) National Youth Development Agency (NYDA) is an Agency established in terms of the National Youth Development Agency Act, 54 of 2008 ("the NYDA Act") to tackle the challenges the nation's youth are faced with, and is listed as a Schedule 3A public entity in terms of the Public Finance Management Act, 1 of 1999.
- (b) Our mandate is to advance youth development through guidance and support to initiatives across sectors of society and spheres of government, embark on initiatives that seek to advance the economic development of young people and develop and coordinate the implementation of the Integrated Youth Development Plan and Strategy for the Republic of South Africa.
- (c) Lobby and advocate for integration and mainstreaming of youth development in all spheres of government, private sector and civil society.
- (d) Initiate, implement, facilitate and coordinate youth development programmes.
- (e) Monitor and evaluate youth development interventions across-the-board and, mobilise youth for active participation in civil society engagements

3. Structure

- (a) NYDA comprises of a Chairperson and Board of Directors, Chief Executive Officer, Executives and Staff. The Chairperson and the Board of Directors are appointed by the president and the Chief Executive Officer appointed by the board of Directors, in terms of NYDA Act. The Chief Executive Officer is also designated as a Accounting Authority.
- (b) For more detailed information on how NYDA is structured, please consider the NYDA Act and our website at www.nyda.gov.za.

4. Our Contact Details:

Please direct any POPIA enquiries to our Information Officer or our Deputy Information Officer at the following addresses:

National Youth Development Agency

Information Officer: Mafiki Duma
Postal Address: PO Box
Physical Address: 7 Naivasha Road
Sunninghill
Sandton
2157
Telephone number: 087 158 6345 / 5738
Email Address: info@nyda.gov.za

Deputy Information Officer: Nontsikelelo Makauala

Postal Address: PO Box 982, Halfway House, Midrand, Johannesburg, Gauteng 1683
Physical Address: 7 Naivasha Road
Sunninghill
Sandton
2157
Telephone number: 087 158 6345 / 5738
Email Address: info@nyda.gov.za

5. **Where to get guidance regarding submitting a PAIA request**

- (a) In order to assist those who are not familiar with PAIA requests, Section 10 of PAIA has instructed the South African Human Rights Commission ("SAHRC") to prepare a guide that contains information to assist you in understanding how to exercise your rights under PAIA ("the Guide"). It is available in all official South African languages.
- (b) If you have any queries, or need a copy of the Guide, please contact the **SAHRC** directly at:

The South African Human Rights Commission
PAIA Unit – The Research and Development
Department Braampark Forum 3,
33 Hoofd Street,
Braamfontein
Private Bag x 2700, Houghton 2041
Tel: +27 11 877 3803

Fax: +27 11 403 0625

Email: paia@sahrc.org.za

Website: www.sahrc.org.za

6. Records that are available without a PAIA request

All records or information available on our website at www.nyda.gov.za including all records in the booklets and pamphlets produced by NYDA for public consumption, are automatically available and voluntarily disclosed. This information is available for viewing or downloading or access without you having to make a PAIA request.

7. Records that we hold that are not automatically available

If the records are not automatically available, you will be required to submit a PAIA request. To assist you with your request we have described below, subjects on which we hold records, divided into categories:

Category	Record
Legislation and Legal matters:	<ul style="list-style-type: none">• Matters pertaining to NYDA legislation• Service Level and Business Agreements with other government organs or private sector.• Litigation
Corporate Governance matters:	<ul style="list-style-type: none">• Minutes of Board and management meetings;• Strategic and corporate planning documentation;• Delegation of authority; and• Declaration of interests.
Human Resources:	<ul style="list-style-type: none">• Human resources policies manual;• Personnel information including personal information, employment history and health records that the Agency may hold from time to time;• Training and Development information;• General files containing information on employee benefits and employee recruitment and selection information
Finance	<ul style="list-style-type: none">• Financial records;• A list of NYDA donors, creditors and debtors;• Salary information;• Bank account information; and• Fixed assets register.
Risk management:	<ul style="list-style-type: none">• Information on the management of NYDA's operational risk;• Insurances; and• Security (physical) information
Project Management:	<ul style="list-style-type: none">• Building plans; and• Information generally related to projects conducted by the Agency from time to time.

Information Technology	<ul style="list-style-type: none"> • Usage statistics; • Equipment details; and • Costing of hardware and software.
Catering	<ul style="list-style-type: none"> • Records of function and related costing; • Stock sheets; and • List of suppliers.
Company Documents	<ul style="list-style-type: none"> • Company Secretarial Records.
Marketing Department	<ul style="list-style-type: none"> • NYDA's brochures and publications; and • Documents relating to Public Relations events; • NYDA's media releases.
Support Services	<ul style="list-style-type: none"> • Delivery and collection sheets; and • List of suppliers.

8. Fees for records of public body as stipulated by the current Regulations to the Act

- (a) The schedule of prescribed fees in terms of the Regulations is attached hereto as Annex "B".
- (b) Requesters are required to pay a fee of R35.00 for requesting access to records. People who are requesting access to their Personal Information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fee.
- (c) Value-Added Tax ("VAT") is only payable by institutions who have registered as VAT vendors as required under s23 of the VAT Act, 89 of 1991.

All payments must be made to:

National Youth Development Agency

Bank: Standard Branch Name

Account Number: 061107247

Branch Code: 001155

Swift address: SBZA ZA JJ

Account Type: Business Current Account

Reference: Name and Surname

9. **Information on how you can make a POPIA request to us**

- (a) All requests should be submitted to NYDA's Information Officer on the prescribed form. We have attached the form to this Manual. It is labelled as Form C.
- (b) In order to ensure that we are able to provide you with the correct record that you need, make sure that:
 - (i) you provide us with enough detail on the request form to enable us to identify you and the record you need from us;
 - (ii) you indicate in what form you would like to access the records, for example hardcopy printouts or electronic format. Please let us know whether, in addition to a written response, you would like us to contact you in some other way, for example by telephone. If so, please provide us with your additional contact details;
 - (iii) you list the right that you want to exercise or protect and provide us with an explanation of why the requested record is required for the exercise or protection of that right; and
 - (iv) if you are making a request on behalf of another person, you must submit proof of the capacity in which you make the request.
- (c) Our Information Officer, will, as soon as reasonably possible and within thirty (30) days after the request has been received, decide whether to grant the request or not. You will be notified whether it has been rejected or accepted.
- (d) You will also be advised on the following:
 - (i) The access fee to be paid for the information;
 - (ii) The format in which access will be given; and
 - (iii) The fact that you may lodge a complaint with the Information Regulator (once POPIA is fully effective) or an appeal with the High Court against the access fee charged or the format in which access is to be granted.
- (e) If we refuse your request, our Information Officer will give you written reasons. You may lodge a complaint with the Information Regulator (once POPIA is effective) and lodge an appeal with the High Court against the refusal of the request.
- (f) If we fail to respond to you within thirty (30) days after a request has been received, it is deemed, that the request has been refused.
- (g) We request an extension if your request a large number of records; the search for the records is to be conducted at premises not situated in the same town or city as the head office of SITA; or if we you consent to an extension.

- (h) Please note that all requests which we receive, will be evaluated and considered in accordance with PAIA. It is important to remember that, even though we have published this Manual and described the categories and subject matter of information or records that we hold, this does not give you any rights to access such information or records, except in terms of PAIA. Records that you may not be entitled to include those of third parties who are natural persons (i.e. humans), the commercial information of third parties, those related to the safety of individuals or protection of property, those that are privileged from production in legal proceedings, the commercial information of a private body and research information of a third party and a private body.

10. Introduction to POPIA

- (a) PAIA requires us to provide you with certain information related to the Protection of Personal Information Act 4 of 2013 ("POPIA"). This information relates to how Personal Information that we process is, amongst others, used, disclosed and destroyed. We are also required to provide you with information on your rights in relation to Personal Information that is collected, processed and stored.
- (b) SITA is committed to its data privacy obligations and we will be receptive to any queries or requests made by you in relation to your Personal Information.

10.1 The Personal Information that we process

We have tried our best to list all the categories of Data Subjects and categories of Personal Information that we process but there may be instances not covered in this list.

Category of Data Subject	Category of Personal Information
Clients- Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; Tax related information; nationality; gender; confidential correspondence

Clients – Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Intermediary / Advisor	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Employees; Directors; Potential personnel; Shareholders; Volunteers	Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number;
Employees' family members; Temporary Staff bursary applicants	Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being, CCTV Footage.
Website end-users; Application end-users	Electronic identification data: IP address, log-in data, cookies, electronic localization data: cell phone, GPS

10.2 Why we Process your information

- (a) POPIA says that Personal Information may only be processed lawfully and in a reasonable manner that does not infringe your (the data subject's) privacy.
- (b) The type of personal information that we process will depend on the purpose for which it is collected. We will tell you why the Personal Information is being collected and we will process the Personal Information for that purpose only.

10.3 Who we transfer your Personal Information to

- (a) We may supply personal Information to these potential recipients:
 - (i) Management;
 - (ii) Employees;
 - (iii) Temporary or contract Staff;
 - (iv) Contracted Operators; and
 - (v) Other recipients in international organisations
- (b) We have agreements in place to ensure that other parties comply with our confidentiality and privacy requirements. Personal information may also be disclosed where we have a legal duty to do so.

10.4 Transfer of your Personal Information out of South Africa

If we do transfer your Personal Information to third parties outside of South Africa, we will ensure that the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection.

10.5 How we secure your Personal Information

We are required to employ appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of Personal Information and unlawful access to or processing of Personal Information.

10.6 Your rights

- (a) In terms of POPIA you have a right to access Personal Information that we hold. We therefore have the responsibility to provide you with information on whether we hold any of your Personal Information or not.

- (b) If we do hold any Personal Information on you, you have the right to the record or a description of the Personal Information including information about the identity of all third parties, who have, or have had, access to the information.
- (c) You are entitled to request rectification, deletion, blocking or completion of your Personal Information which is shown to be inaccurate or incomplete and, in certain circumstances, to object to the processing of your Personal Information

10.7 How to make a request to access your Personal Information – Data Subject Access Request

- (a) If you would like to know if we hold your Personal Information you may make a request on Form C. We will provide this information to you free of charge upon a request made on Form C.
- (b) You may request the record or a description of the Personal Information about you including information about the identity of all third parties, who have, or have had, access to the information by completing Form C.
- (c) Once we have received your request on Form C we will provide a written estimate of the fee in order to process your request. If your request is granted, you will then be required to pay the fee before we provide you with the record or description.

10.8 How to object to us processing your Personal Information

- (a) You have the right to object at any time to us processing your Personal Information if we are processing it on the basis that it protects your legitimate interest, it is necessary for the proper performance of a public law duty, or processing it is necessary for pursuing our legitimate interests or of a third party to whom we supply the information to.
- (b) You also have the right to object if we process your Personal Information for purposes of direct marketing.
- (c) Your objection must be submitted on Form 1. If you have any queries on submitting Form 1 we will provide reasonable assistance free of charge.

10.9 How to make a request to correct or delete your Personal Information

- (a) You may make a request to us to correct or delete Personal Information in our possession that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading

or obtained unlawfully; or destroy or delete a record of Personal Information about you that we are no longer authorised to retain.

- (b) To make this request Form 2 should be completed.
- (c) Once we receive your request we will as soon as reasonably possible correct or destroy or delete the information or provide you, to your satisfaction, with credible evidence in support of the information.
- (d) In the case where we cannot reach an agreement in terms of correcting the Personal Information, you may request that we attach a note indicating that you have asked for the correction of Personal Information, but it has not been made.

10.10 How to lodge a complaint

If you are unhappy with the way that we process your Personal Information and if you believe that we are interfering with the protection of your Personal Information you may, once POPIA is fully effective, lodge a complaint with the Regulator on Part I of Form 5.

10.11 Where to get guidance regarding submitting a POPIA request

If you have any queries, or need a copy of the Guide, please contact the **Information Regulator** directly at:

JD House
27 Stiemens Street Braamfontein
Johannesburg
2001
PO Box 31533, Braamfontein
Johannesburg
2017
Email Address: enquiries@infoeregulator.org.za
Website: <https://justice.gov.za/infoereg>

Annexure A: Abbreviations and definitions

A.1 Abbreviations

PAIA Promotion of Access to Information Act, 2 of 2000

POPIA Protection of Personal Information Act, 13 2014

NYDA National Youth Development Agency

IO Information Officer

IR Information Regulator

A.2 Definition

Act means the Promotion of Access to Information Act and Protection of Personal Information Act

Deputy information Officer means the Managing Director

Information Officer means the Chief Executive Officer

Record Means any recorded information

(a) Regardless of form or medium

(b) In the possession or under the control of NYDA; and

(c) Whether or not it was created by NYDA.

Requester Means

(a) Any person (other than a Public body as defined in this Manual) making a request for access to a record of that public body; or

(b) A person acting on behalf of the person referred to in sub-paragraph (a))

Annex B: Prescribed Fees

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.

(a) The fees for reproduction referred to in Regulation 7(1) are as follows:

(for every photocopy of an A4-size page or part thereof 0.60

- i) for every printed copy of an A4-size page or part thereof held on computer 0.40 or in electronic or machine-readable form for a copy in a computer-readable form on CD/DVD 40.00
- ii) for a transcription of visual images, for an A4-size page or part thereof 22.00
- iii) for a copy of visual images 60.00
- iv) for a transcription of an audio record, for an A4-size page or part thereof 12.00 for a copy of an audio record 17.00

(b) The request fee payable by every requester, other than a personal requester, referred to in Regulation 7(2) is:

- i) for every photocopy of an A4-size page or part thereof 0.60
- ii) for every printed copy of an A4-size page or part thereof held on
- iii) computer or in electronic or machine-readable form 0.40
- iv) for a copy in a computer-readable form on CD/DVD 40.00
- v) for a transcription of visual images, for an A-size page or part thereof 22.00
- vi) for a copy of visual images 60.00
- vii) for a transcript of an audio record
- viii) for an A4-size page or part thereof 12.00
- ix) for a copy of an audio record 17.00
- x) To search for and prepare the record for disclosure for each
- xi) hour or part of an hour, excluding the first hour, reasonably
- xii) required for such research and preparation 15.00

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

- i) Six hours as the hours to be exceeded before a deposit is payable.
- ii) One third of the access fee is payable as a deposit by the requester.
- iii) The actual postage is payable when a copy of a record must be posted to a requester.
- iv) The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his/her request for access as contemplated in Section 75(3)(a) of the act 50.00

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

Form C: Request to Access to a Record

PARTICULARS OF PERSON REQUESTING

<p>a. The particulars of the person who requests access to the record must be given below.</p> <p>b. The address and/ or fax number in South Africa to which the information is to be sent, must be given.</p> <p>c. Proof of the capacity in which is made, if applicable, must be attached.</p>	
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:	

PARTICULARS OF PERSON ON WHOSE BEHALF A 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:	

PARTICULARS OF RECORD

<p>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.</p> <p>b. If the provided space is inadequate, please continue on a separate folio and attach it to this form.</p> <p>c. The requester must sign all the additional folios.</p>
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1. Description of record, or relevant part of the record:	

2. Reference number, if available:	
3. Any further particulars of record:	

FEES

<p>A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>You will be notified of the required amount to be paid as the request fee.</p> <p>The fees 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.</p> <p>If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p>	
Reason for exemption for payment fee:	N/A

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 below, state your disability and indicate in which form the record is required.

Mark the appropriate box with an X

Disability	
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Form in which record is	
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NOTES:

- (a) Compliance with your request for access in the specific 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.

If the record is in written or printed form:

Copy of record

Inspection of record

If a record consists of visual images (including photographs, slides, video recordings, computer-generated images, sketches, etc.

View the images

Copy of the images

Transcripts of the images

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

Listen to the soundtrack/ or audio cassette

Transcription of soundtrack* (written or printed document)

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 of computer readable form

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.

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

YES

NO

In which language would you prefer the record?

NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified whether your request has been approved// or 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 atthis day of20.....

.....

Signature

Form 1:

Objection to the processing of personal information in terms of section 11 (3) of the Protection of Personal Information Act, 4 of 2013

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 2]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier/Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number (s)	
Fax number // E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number (s)	

Fax number / E-mail address	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of 20.....

.....

Signature of data subject/ designated person

Form 2: Request for correction or deletion of personal information or destroying or deletion of personal information in terms of section 24 (1) of the Protection of Information Act 4 of 2013

A.2 REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

☐ Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

☐ Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier/Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number (s)	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY

Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number (s)	
Fax number / E-mail address	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTRUCTED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. (Please provide detailed reasons for the request)

Signed at this day of 20.....

.....
Signature of data subject/ designated person

Form 5: Complaint regarding interference with the protection of personal information / complaint regarding determination of an adjudicator in terms of section 74 of the Protection of

Personal Information Act, 4 of 2013

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 7]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

A.3 Complaint regarding:

☐ Alleged interference with the protection of personal

☐ information Determination of an adjudicator.

PART 1	ALLEGED INTERFERENCE WITH THE PROTECTION OF THE PERSONAL INFORMATION IN TERMS OF SECTION 74(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 4 of 2013
A	PARTICULARS OF COMPLAINANT
Name(s) and surname: / registered name of data subject:	
Unique Identifier/Identit y Number:	
Residential, postal or business address:	
	Code ()