

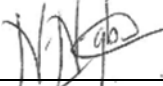

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# **PAIA MANUAL**

**Prepared in terms of section 14 of the  
Promotion of Access to Information Act 2  
of 2000 (as amended)**

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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

Term	Description
Accounting Authority	Refers to the Board tasked with a responsibility of providing strategic leadership for FoodBev SETA and ensure it fulfils its mandate and obligations in terms of the SETA's Constitution and the Skills Development Act.
Confidential Information	Refers to any recorded information, regardless of form or medium, in the possession or under the control of FoodBev SETA, which information is not automatically available under the provisions of the Promotion of Access to Information Act, No. 2 of 2000 (PAIA).
Data Subject	Refers to a natural or juristic person who will provide FoodBev SETA or its Operator(s) with Personal Information and who consents when providing such Personal Information, to FoodBev SETA's use thereof in accordance with the Data Protection policy and the Informed Consent Notice that is available on the FoodBev SETA's website.
Deputy Information Officer ("DIO")	Refers to the Manager: Legal, Risk & Compliance or delegated official.
Employee	<p>Refers to (a) any person, excluding an independent contractor, who works for FBS and who receives, or is entitled to receive, any remuneration; and (b) any other person who in any manner assists in carrying on or conducting the business of FBS.</p> <p>The term is further extended to Temporary Employment Service (TES) which refers to an employee which has been assigned to FBS for a period of less than three months; (ii) employee assigned to FBS as a substitute for an employee who is temporarily absent from work; and employee assigned to FBS to perform a category of work which is determined to be a temporary service by a collective agreement concluded in a bargaining council, a sectoral determination or a notice published in the Government Gazette by the Minister of Labour.</p>
Guide	Refers to the PAIA Guide developed by the Information Regulator which seeks to assist a person who wishes to exercise any right contemplated in PAIA and POPIA.

<b>Term</b>	<b>Description</b>
Information Officer (“IO”)	Refers to the Chief Executive Officer or delegated official.
PAIA	Refers to the Promotion of Access to Information Act No. 2 of 2000 (as Amended).
Personal Information	Refers to information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. Reference to Personal Information shall carry the meaning as defined in the POPI Act.
POPIA	Refers to the Protection of Personal Information Act No.4 of 2013 (as amended).
Record	Refers to any recorded information – <ul style="list-style-type: none"> <li>a. regardless of form or medium;</li> <li>b. In the possession or under the control of that public; and</li> <li>c. whether or not it was created by that public body.</li> </ul>
Regulator	Refers to the Information Regulator.
Requester	Refers to any person or entity (including any Data Subject) requesting access to a record that is under the control of FoodBev SETA.
Service Provider	Refers to a person or entity which provides goods, services and/or, work to FBS in terms of FBS’s supply chain management processes/system.
Stakeholder	Refers to any person other than an employee of FBS who the SETA engages with, this includes but not limited to learners, levy paying and non-levy paying employers, TVET Colleges, NGOs, Associations in the sector, training providers, SDF, DHET, National Treasury and National Skills Fund.

## **2. OVERVIEW**

- 2.1 This Manual has been prepared in accordance with section 14 of the Promotion of Access to Information Act No.2 of 2000, as amended.
- 2.2 With the entrenchment of the right to access information under section 32 of the Constitution of the Republic of South Africa, everyone is afforded the right of access to any information held by the state; or held by any other person that is to be used for the protection of or the exercise of any right.
- 2.3 In order to give effect to section 32 of the Constitution, the Promotion of Access to Information Act (“PAIA”) was approved by Parliament on 2 February 2000 and came into effect on 9 March 2001.
- 2.4 The motivation for giving effect to the right of access to information is to promote a culture of transparency and accountability in both public and private bodies, and to promote a society in which the people of South Africa have effective access to information to enable them to fully exercise and protect their rights.
- 2.5 Every organisation, including FoodBev SETA is required to compile a manual as a guide for requesters. This Manual describes the procedure to be followed when requesting records from FoodBev SETA. In compliance with PAIA, FoodBev SETA has prepared this Manual to facilitate the public’s access to information held by the SETA.
- 2.6 The definitions provided are solely for the purpose of this Manual and are not to be taken as applicable to PAIA.

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

The purpose of this Manual is to:

- 3.1. Assist potential Requesters in requesting access to information (documents, records and/or Personal Information) from FoodBev SETA as contemplated under PAIA;
- 3.2. Inform the public / Requester of the structure and functions of FoodBev SETA;
- 3.3. Inform the public / Requester on how to obtain access to records held by FoodBev SETA thus giving effect to section 14 of PAIA;

3.4. Understand if FoodBev SETA will process personal information, the purpose of processing of personal information, the description of the categories of data subjects and of the information or categories of information relating thereto;

3.5. Know whether FoodBev SETA has appropriate security measures to ensure the confidentiality, integrity and availability of the information which is to be processed.

#### **4. DESCRIPTION OF FOODBEV SETA'S FUNCTIONS AND STRUCTURE**

##### **4.1. FoodBev SETA's functions**

FoodBev is a Sector Education and Training Authority established in terms of section 9 (1) of the Skills Development Act. The functions of FoodBev SETA (as set out in the Skills Development Act) are *inter alia* to:

- i. develop a sector skills plan (SSP) within the framework of the National Skills Development Plan;
- ii. implement its SSP by establishing learnerships, approving workplace skills plans, allocating grants, as well as monitoring education training in the sector;
- iii. promote learnerships by identifying workplaces for practical work experience, supporting the development of learning materials, improving the facilitation of learning and assisting in the conclusion of learnership agreements;
- iv. register learnership agreements;
- v. obtain accreditation from the South African Qualifications Authority;
- vi. collect and disburse the skills development levies in the sector;
- vii. liaise with the National Skills Authority on the national skills development policy, the national skills development strategy as well as its sector skills plan; and
- viii. perform any other duties imposed by the Skills Development Act and the Skills Development Levies Act or consistent with the purposes thereof.

FoodBev SETA has all such powers as are necessary to enable it to perform its duties as set out above and any other powers conferred upon it by virtue of the Skills Development Act.

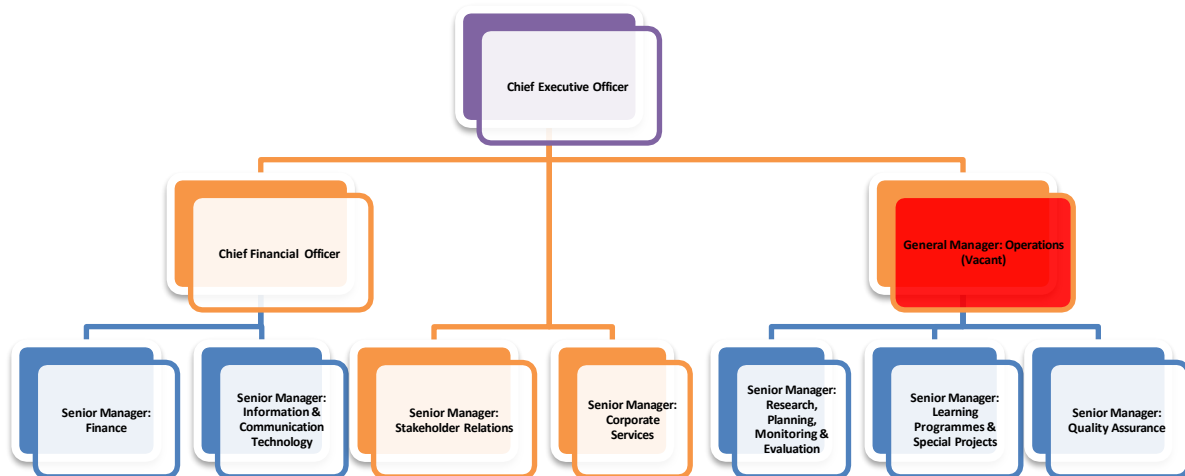
##### **4.2. FoodBev SETA's Mandate**

FoodBev SETA's mandate is derived from the Constitution of the Republic of South Africa, which gives everyone the right to education. Section 29 (b) states that everyone has the right to further education, which the state, through reasonable measures, must make progressively

available and accessible. This constitutional mandate is strengthened by Schedule 3A of the PFMA (as amended) and the following key pieces of legislation which are directly applicable to the FoodBev SETA:

- i. National Skills Development Plan (NSDP);
- i. The Skills Development Act of 1998 (Act No. 97 of 1998) (SDA) (as amended in 2008);
- ii. The Skills Development Levies Act of 1999 (Act No.9 of 1999);
- iii. The National Qualifications Framework Amendment Act of 2019;
- iv. The Sector Education and Training Authorities SETAs Grant Regulations regarding monies received by a SETA and related matters;
- v. The Public Finance Management Act (as amended); and
- vi. The National Treasury Regulations governing public entities.

#### 4.3. FoodBev SETAs High-Level Structure



## 5. VISION AND MISSION

FoodBev SETA's vision and mission are set out below.

### Vision

To have sufficient and appropriate knowledge and skills available in the Food and Beverages Manufacturing Sector.



### Mission

- i. To expand the availability and accessibility of knowledge and skills in the sector, including but not limited to, rural areas;
- ii. To establish a credible institutional mechanism that facilitates skills development with greater efficacy; and
- iii. To remain relevant by providing quality learning standards and qualifications.

## **6. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC**

### **6.1. Nature of services**

FoodBev SETA's services include:

- i. implementing its sector skills plan by establishing learnerships, approving workplace skills plans and allocating grants;
- ii. promoting learnerships, facilitating the development of learning materials and improving the facilitation of learning;
- iii. registering learnership agreements;
- iv. collecting and disbursing the skills development levies in the sector; and
- v. quality assurance in respect of learnerships and training in the sector.

These services are available to stakeholders within the food and beverages manufacturing sector.

### **6.2. How to gain access to these services**

FoodBev SETA's stakeholders may gain access to the relevant services by contacting the SETA on the details provided on FoodBev SETA's website ([www.foodbev.co.za](http://www.foodbev.co.za)) or other communication platforms such as social media.

## **7. CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER**

To request access to FoodBev SETA's records in terms of PAIA, Requesters must complete the request form enclosed in **Annexure A** and address it to the Information Officer.

<b>Responsibilities</b>	<b>Phone</b>	<b>Fax</b>	<b>Email</b>
<b>Information Officer:</b> Chief Executive Officer	011 253 7307	011 253 7333	<a href="mailto:informationofficer@foodbev.co.za">informationofficer@foodbev.co.za</a>
<b>Deputy Information Officer:</b>	011 253 7380	011 253 7333	<a href="mailto:informationofficer@foodbev.co.za">informationofficer@foodbev.co.za</a>

Manager: Legal Risk and Compliance			
<b>Physical Address</b>		<b>Postal Address</b>	
7 Wessels Road		PO Box 245	
Rivonia		Gallo Manor	
2128		2052	

## 8. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 8.1. In terms of section 10(1) of PAIA, the Regulator has updated and made available the revised Guide on how to use PAIA 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.
- 8.2. The Guide is available in each of the official languages and can be accessed on the Regulator’s website ([www.inforegulator.org.za](http://www.inforegulator.org.za)). Any queries around the Guide should be directed to:

### **The Information Regulator of South Africa**

Physical Address

JD House, 27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

Postal Address

PO Box 31533  
Braamfontein  
Johannesburg  
2017

**Telephone:**

(010) 023 5200

## 9. INFORMATION HELD BY FOODBEV SETA

This section of the Manual sets out the categories and descriptions of records held by FoodBev SETA. The inclusion of any category of records should not be taken to mean that records falling within that category will be made available under PAIA. In particular, certain grounds of refusal as set out in PAIA may be applicable to a request for such records.

### 9.1. Categories of records automatically available

Section 15 (1) of PAIA requires institutions to list those records which are automatically available. Automatically available records are usually not of a sensitive nature. Most records which fall into this category of information is/will be available on FoodBev SETA’s website ([www.foodbev.co.za](http://www.foodbev.co.za)) and do not require a formal process to be accessed.

The following categories of documents are automatically available:

CATEGORY	DOCUMENT / RECORD TYPE
Tender document	<ul style="list-style-type: none"> <li>- Advertised tenders</li> <li>- Awarded tenders</li> <li>- Name of successful bidder</li> <li>- Cancelled tenders</li> <li>- Closed tenders</li> <li>- Register of bids received</li> <li>- Request for Quotations (RFQs)</li> <li>- Available tenders</li> </ul>
Legislation /Regulations	<ul style="list-style-type: none"> <li>- Skills Development Act</li> <li>- Skills Development Levies Act</li> <li>- Public Finance Management Act</li> <li>- Grant Regulations</li> <li>- Learnership Regulations</li> <li>- National Treasury Regulations</li> <li>- Protection of Personal Information Act</li> </ul>
Strategic Documents	<ul style="list-style-type: none"> <li>- Sector Skills Plan (SSP)</li> <li>- Annual Performance Plan (APP)</li> <li>- Annual Reports</li> <li>- Sector Trend Reports</li> <li>- DHET Notices</li> <li>- AGM Report, Minutes and Presentation</li> </ul>
Marketing, Branding and Communication	<ul style="list-style-type: none"> <li>- Newsletters</li> <li>- Events</li> <li>- Stakeholder Capacitation Workshop presentations</li> </ul>
Compliance	<ul style="list-style-type: none"> <li>- Section 18 Informed Consent Notice (POPIA)</li> </ul>
Learning Programmes	<ul style="list-style-type: none"> <li>- Grant Funding Policy</li> <li>- Discretionary Grant (DG) funding windows (available grants)</li> <li>- Discretionary Grant adverts</li> <li>- Indicium User Manual</li> <li>- User Manual for DG applications</li> </ul>
Quality Assurance	<ul style="list-style-type: none"> <li>- List of FoodBev SETA registered Unit Standard Based Qualifications</li> </ul>

## 9.2. Categories of records not automatically available

According to PAIA, the records listed below should be made available on request from members of the public following set or determined procedures as set out in this Manual, however disclosure of such may be refused if it is covered by grounds for refusal in terms of Chapter 4 of PAIA.

The following categories of records are not automatically available:

CATEGORY	DOCUMENT / RECORD TYPE
Records on daily operations or core functions and agreements	<ul style="list-style-type: none"> <li>- Internal investigation files</li> <li>- Forensic audit files</li> <li>- Litigation cases and related correspondence</li> <li>- Directives, resolutions, and instructions of Board Committees and the Board</li> <li>- Agreements with any of the external stakeholders</li> <li>- Service Level Agreements with service providers</li> <li>- Rental Agreements relating to moveable and immovable property</li> <li>- Memorandums of Understanding</li> <li>- Learner information, including but not limited to learner enrolment forms, learner agreements, learner identity documents</li> <li>- Engagement or correspondence with other entities</li> <li>- Partnerships with stakeholders, including government entities</li> <li>- Research reports</li> <li>- Stakeholder surveys</li> <li>- Site visit reports</li> <li>- Due diligence reports</li> <li>- Any other Confidential Information as contemplated in PAIA</li> </ul>
<b>Corporate Services</b>	
Marketing, Branding and Communication	<ul style="list-style-type: none"> <li>- Communication Strategy</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>- Personnel files (manual and electronic)</li> <li>- Employment contracts</li> <li>- Provident fund records and information</li> <li>- Employee Wellness Records</li> <li>- Employee Payments and Benefits (including salaries)</li> </ul>

CATEGORY	DOCUMENT / RECORD TYPE
	<ul style="list-style-type: none"> <li>- Recruitment and Selection</li> <li>- Training and Development</li> <li>- Performance Management</li> <li>- Labour Relations and Employee Relations</li> <li>- Internships</li> <li>- Monthly and Quarterly reports</li> <li>- Job grading and evaluation</li> <li>- Correspondence and agreements with trade union</li> <li>- Payroll reports</li> <li>- Policies and procedures</li> <li>- Organisational Structure</li> </ul>
Risk and Compliance	<ul style="list-style-type: none"> <li>- Risk Registers</li> <li>- Risk Management Strategy and Policy</li> <li>- Investigation Reports</li> <li>- Compliance Universe</li> <li>- Fraud and Corruption Prevention Strategy and Plan</li> <li>- Whistleblowing reports</li> <li>- Monthly and Quarterly Reports</li> </ul>
<b>Finance, ICT and SCM</b>	
Finance	<ul style="list-style-type: none"> <li>- Bank account records</li> <li>- Asset Registers</li> <li>- Accounting records</li> </ul>
Information Communication Technology (ICT)	<ul style="list-style-type: none"> <li>- Records Management Framework and Policy</li> <li>- BCM Plans</li> <li>- Licenses</li> <li>- Policies</li> <li>- Disaster Recovery Plan</li> <li>- Delivery and Support of ICT Services</li> <li>- Acquisition and implementation of ICT systems</li> </ul>
Supply Chain Management (SCM)	<ul style="list-style-type: none"> <li>- Tender and bid documentation</li> <li>- Specifications</li> <li>- Bid Committee minutes</li> </ul>

CATEGORY	DOCUMENT / RECORD TYPE
	<ul style="list-style-type: none"> <li>- Bid Committee scoring</li> <li>- Supplier Information</li> <li>- Bidder information</li> <li>- Contract Management</li> <li>- SCM Policy</li> </ul>
<b>Internal Audit</b>	
	<ul style="list-style-type: none"> <li>- Departmental reviews and reports</li> <li>- Audit findings</li> <li>- Audit Plan</li> <li>- Forensic Audits</li> <li>- Minutes and reports of the Audit &amp; Risk Committee</li> </ul>

## 10. HOW TO OBTAIN ACCESS TO RECORDS HELD BY FOODBEV SETA

The public has the right to request access to recorded information held by FoodBev SETA, subject that the request is made on the prescribed form and that the prescribed fees are paid. Access is also subject to the grounds of exclusion found in Chapter 4 of PAIA. The request may be made by anyone who acts in their own interests or acts on behalf of someone who cannot do so themselves.

The following steps have been designed to ensure that requests for access to records or information held by FoodBev SETA is processed expediently and efficiently.

### 10.1. How to make a request

#### *Form*

10.1.1. If the required records are not available on FoodBev SETA's website, the Requester should complete the prescribed form. A copy of the form is attached to this Manual as Annexure A.

10.1.2. Each section of the form contains instructions which should be followed precisely in order to ensure all relevant information is captured to minimise delays.

#### *Process*

10.1.3. The request for information must be submitted to the Information Officer / Deputy Information Officer using the details set out in paragraph 7 above.

10.1.4. The Requester must also indicate if he or she would like to obtain a copy of the record or would like to inspect the record at the offices of FoodBev SETA. Alternatively, if the record is not a paper copy document, it can then be viewed in the requested form, where possible<sup>1</sup>.

10.1.5. If a Requester asks for access in a particular form, then he or she should get access in the manner that has been asked for. This principle applies, unless doing so would interfere unreasonably with the running of FoodBev SETA, or damage the record, or infringe a copyright not owned by the SETA or the state. If for practical reasons, access cannot be given in the required form, but in an alternative manner, then the fee must be calculated according to the way that was first asked for by the Requester<sup>2</sup>.

10.1.6. If, in addition to a written reply to their request for the record, the Requester wants to be informed about the decision in any other way, for example telephonically, this must be indicated<sup>3</sup>.

*Request on behalf of another person*

10.1.7. If the request is made on behalf of another person, a Requester must submit proof of the capacity in which he or she is making the request, to the reasonable satisfaction of the Information Officer<sup>4</sup>.

*Request by people with disabilities*

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<sup>1</sup> Section 29(2) of PAIA.

<sup>2</sup> Section 29(3) and (4) of PAIA

<sup>3</sup> Section 18(2)(e) of PAIA

<sup>4</sup> Section 18(2)(f) of PAIA

10.1.8. If a Requester is unable to read or write, or if he or she has a disability that prevents him or her from completing the prescribed form, then he or she can make a verbal request. The Information Officer / Deputy Information Officer will then complete the form on behalf of the Requester and give a copy of the completed form to the Requester<sup>5</sup>.

10.1.9. The Information Officer / Deputy Information Officer will assist a requester to comply with the abovementioned requirements to request access to information, including referring a Requester to another public body, if it is apparent that the request for information should have been made, to such other body<sup>6</sup>.

## **11. TRANSFER OF REQUESTS**

11.1. The Information Officer (or delegate) of FoodBev SETA may transfer requests for records to another public body when:

11.1.1. The record is in the possession of that public body;

11.1.2. The subject matter of the record is more closely associated with the functions of that public body;

11.1.3. The record was created for that public body, or was received first by that body; or

11.1.4. The record contains commercial information in which that public body has a greater commercial interest.

11.2. In such instances the Information Officer would have to transfer the request to the other public body as soon as is reasonably possible, but within 14 working days after the request is received. If FoodBev SETA is in possession of the record which is being requested and the SETAs Information Officer considers it helpful to do so to enable the Information Officer of the other public body to deal with the request, the record or a copy of the record will be sent to that Information Officer.

11.3. If a request for access to a record has been transferred, any period prescribed for the completion of an activity related to the request, has to be computed from the date it was received by the Information Officer to whom it was referred. All the relevant periods (as prescribed in PAIA) that apply to a request for information have to be adhered to.

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<sup>5</sup> Section 18(3) of PAIA.

<sup>6</sup> Section 19 of PAIA.



11.4. When a request for access has been transferred, the Information Officer / Deputy Information Officer will immediately notify the Requester of:

11.4.1. The transfer;

11.4.2. The reasons for the transfer; and

11.4.3. The period within which the request must be dealt with<sup>7</sup>.

11.5. The Information Officer / Deputy Information Officer will reasonably ensure that a record to which access has been requested is preserved until a decision is taken about access to the information<sup>8</sup>.

11.6. Requests may also be made telephonically to FoodBev SETA. Such requests may be directed to the Deputy Information Officer on the contact information provided in this Manual. Individuals may however be directed to lodge such requests formally depending on the nature of telephonic request made.

## 12. PRESCRIBED FEES

12.1. Imposed fees are required in terms of section 22 of PAIA. A fee schedule is attached to this manual. Fees are paid at the inception of a request and thereafter, fees are incurred for search processes and reproduction costs.

12.2. The Requester does not need to pay an access fee<sup>9</sup> to a public body if:

12.2.1. He or she is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than **R14, 712.00** per annum, or

12.2.2. He or she is married and the joint income with his or her partner, after permissible deductions, such as PAYE and UIF, is less than **R27, 192.00** per annum.

12.3. Persons who are requesting personal information about themselves or their minor children do not have to pay a request fee. All other persons (except those who are exempt) must pay the request fee as set out in **Annexure B** below.

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<sup>7</sup> Section 20(5) of PAIA.

<sup>8</sup> Section 21 of PAIA.

<sup>9</sup> As per Government Notice R991 of 14 October 2005.

- 12.4. If a request is granted, then a further access or search fee is required. This fee is calculated in terms of the rates fixed in the attached regulation. Fees are charged for time spent searching for the record and preparing and / or reproducing the record/s.
- 12.5. The prescribed fees must be paid by means of Electronic Funds Transfer (EFT) as per the banking details below, quoting the Requester's name and surname as the reference number. The Information Officer / Deputy Information Officer will notify the Requester (other than a personal requester) to pay the prescribed fee (if any) before further processing the request.
- 12.6. The Requester may make an application to a court against the tender or payment of the request fee.

### **BANKING DETAILS FOR APPLICATION**

Account name: Food and Beverages Manufacturing SETA

Bank: First National Bank

Branch code: 210554

Account number: 62425006758

Reference: Name and surname

Please email proof of payment to [informationofficer@foodbev.co.za](mailto:informationofficer@foodbev.co.za)

### **13. TAKING A DECISION ON THE REQUEST**

- 13.1. All requests for access to records will be considered and the granting and refusal thereof will be in line with the provisions of PAIA. The Information Officer is required to take a decision on a request within 30 days of receipt of the request, failing which the request is deemed to have been refused.
- 13.2. Access to a record can be given if the Requester has complied with all the procedural requirements of PAIA relating to the request for access to that record, that is:
- 13.2.1. The request is properly made on the prescribed form;
  - 13.2.2. Proof of authority has been furnished if the Requester is making the request on behalf of another;
  - 13.2.3. The record requested is sufficiently described to enable the Information Officer to identify it;
  - 13.2.4. The prescribed fees have been paid; and

13.2.5. Access to the record is not refused on one or more grounds of refusal specified in PAIA, which fall into the following categories:

- i. Mandatory protection of privacy of a third party who is a natural person;
- ii. Mandatory protection of certain records of the South African Revenue Services (SARS);
- iii. Mandatory protection of commercial information of a third party;
- iv. Mandatory protection of safety of individuals, and protection of property;
- v. Mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings;
- vi. Mandatory protection of records privileged from production in legal proceedings;
- vii. Defence, security and international relations of the Republic;
- viii. Economic interests and financial welfare of the Republic and commercial activities of public bodies;
- ix. Mandatory protection of research information of a third party, and protection of research information of public body;
- x. Operations of public bodies; and
- xi. Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources.

## **14. REMEDIES AVAILABLE**

14.1. FoodBev SETA does not have an internal appeal procedure in place to facilitate appeals against decisions of the Information Officer / Deputy Information Officer.

14.2. An aggrieved party may, by way of an application, apply to court for appropriate relief. On hearing such application, the court may grant any order that is just and equitable including:

14.2.1. Confirming, amending or setting aside the decision that is the subject of the application;

14.2.2. Requiring the Information Officer to take some action or to refrain from taking such action as the court considers necessary within the period mentioned in the order;  
or

14.2.3. Granting an interdict, interim or specific relief, a declaratory order or compensation; or costs.

## **15. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST**

15.1. Requesters have the right to receive a response in the form of an affidavit or affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available<sup>10</sup>.

15.2. Requesters also have the right to receive a response in the form of an affidavit or affirmation where requested records do not exist.

## **16. DISPOSAL OF RECORDS**

16.1. FoodBev SETA reserves the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service.

16.2. Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

16.3. In accordance with section 24(1) of POPIA, FoodBev SETA may, upon receipt of the request from a data subject:

16.3.1. correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

16.3.2. destroy or delete a record of personal information about the data subject that FoodBev SETA is no longer authorised to retain in terms of section 14 of POPIA<sup>11</sup>.

## **17. PROCESSING OF PERSONAL INFORMATION**

### **Purpose of Processing Personal Information**

17.1. This part of the Manual must be read in conjunction with FoodBev SETA's Data Protection Policy which is available on the SETA's website.

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<sup>10</sup> Section 23(1) of PAIA.

<sup>11</sup> Section 14 (1) of POPIA - Subject to subsections (2) and (3), records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed.

17.2. FoodBev SETA will process Personal Information for the following purposes:

- 17.2.1. **Potential Employment (legitimate purpose and compliance with laws):** This involves the HR recruitment administration process which includes receiving CVs and relevant supporting documents (qualifications, ID copies etc.), conducting verification checks and keeping CVs and supporting documents for future recruitment purposes.
- 17.2.2. **Accounting Authority nominations (legitimate purpose and compliance with laws):** This involves the process where the SETA will receive nominations for persons to serve on FoodBev SETA's Accounting Authority.
- 17.2.3. **Due diligence purposes (legitimate purpose and compliance with laws):** This includes carrying out ongoing due diligence exercises including obtaining and verifying your details and / or credentials, such as receiving and verifying your identity, education, qualifications and employment history, medical and health history and related records, financial, credit and tax status and history, and/or any employee performance related history.
- 17.2.4. **Employment (legitimate purpose and compliance with laws):** This includes concluding an employment contract with you and performing human resources and financial administration which involves processing relevant information which will ensure compliance with labour, tax and B-BEEE laws. HR administration also includes processing information for training, skills development, performance assessments and disciplinary matters.
- 17.2.5. **Employment benefits (legitimate purpose and compliance with laws):** To manage employee benefits, including administering remuneration, payroll, provident fund and other employee benefits and PAYE, including disclosure to service providers such as payroll providers, pensions administrators and hosting service providers;
- 17.2.6. **Operational issues (compliance with laws):** To communicate, enforce and ensure you comply with policies, disciplinary actions or legal requirements and conducting investigations and incident response, including reviewing your communications in these situations in accordance with relevant internal policies and applicable law;

- 17.2.7. **Grant funding purposes (legitimate purpose and compliance with laws):** This includes allocating funds by the SETA to be spent on learning programme interventions and projects that encompass PIVOTAL programmes and non-PIVOTAL programmes designed to implement the SETA's Annual Performance Plan and National imperatives.
- 17.2.8. **Occupational health (legitimate purpose and compliance with laws):** To manage occupational health and fitness for work and notifying family members in case of emergencies;
- 17.2.9. **Travel (legitimate purpose and compliance with laws):** To facilitate business travel and travel-related support including conference attendance, car bookings etc;
- 17.2.10. **B-BBEE (compliance with laws):** To monitor equal employment opportunities, in respect of diversity categories including but not limited to age, gender, ethnicity, nationality, religion, disability, sexual orientation, and marital or family status. Information of this nature may be furnished to auditors for annual verifications;
- 17.2.11. **Labour relations (legitimate purpose and compliance with laws):** To manage membership to trade union(s) and collective agreements for administering collective employee arrangements where these are in place;
- 17.2.12. **Communications (legitimate purpose):** For the SETA to contact both internal and external stakeholders and to communicate generally and/or specifically in respect of instructions or any notices that may be issued through various platforms including but not limited to email and Microsoft Teams;
- 17.2.13. **Risk assessment and anti- bribery and corruption matters (legitimate purpose and compliance with laws):** For internal and external audit purposes; and to carry out risk assessments, in order to detect and prevent bribery, fraud and corruption.
- 17.2.14. **Legal obligation and public duties (compliance with laws):** To comply with the law and legal obligations.
- 17.2.15. **Security purposes (legitimate purpose and compliance with laws):** To permit you access to our offices, facilities, parking areas, or controlled areas for the purpose of monitoring via CCTV, and for general risk management, security and emergency

incident control purposes and for providing IT access and support and for employee authentication and for data and cybersecurity purposes.

17.2.16. **For internal research and development purposes (legitimate purpose):** To conduct research for statistical analysis and research purposes in the context of employment, including predictive modelling and people planning. The research will also include statistical analysis within the food and beverages manufacturing sector.

**17.3. Description of the categories of Data Subjects and of the information or categories of information relating thereto**

Below is a description of the categories of Data Subjects and the personal information that FoodBev SETA may process:

Categories of Data Subjects	Personal Information that may be Processed
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); residential, postal or business address; Unique Identifier/Identity Number; banking details; tax number; and confidential correspondence.
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, pricing, scientific or technical information and trade secrets.
Employees	Gender; sex; 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; next of kin information; information about relatives and beneficiaries; medical; nationality; ethnic or social origin; sexual orientation; physical or mental health; well-being; disability; religion; conscience; belief, culture; language; biometric information of the person.
Stakeholders	Names and surname; contact details (contact number(s), fax number, email address); residential, postal or business address; Unique Identifier/Identity Number; banking details; tax number; confidential correspondence, name of legal entity, founding documents, tax related information, authorised signatories, statement of results.

Categories of Data Subjects	Personal Information that may be Processed
Service Providers	Names of contact persons; name of legal entity, physical and postal address and contact details, registration number, founding documents, tax related information, authorised signatories, beneficiaries, ultimate beneficial owners, banking details.

## 18. RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED

18.1. Depending on the nature of the data, FoodBev SETA may supply information or records to the following categories of recipients:

18.1.1. Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;

18.1.2. The Department of Higher Education (DHET) and other government departments where applicable and as required by the law.

18.1.3. Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules (i.e. the Competition Commission in terms of the Competition Act No. 89 of 1998);

18.1.4. South African Revenue Services, or another similar authority;

18.1.5. Anyone making a successful application for access in terms of PAIA;

18.1.6. Third party service providers who conduct business with FoodBev SETA, in the ordinary course of business;

18.1.7. FoodBev SETA's Human Resources department and other departments within the SETA for operational requirements;

18.1.8. Other Disclosures – The SETA may disclose your Personal Information to third parties if it reasonably believes that disclosure of such information is helpful or



reasonably necessary to enforce its terms and conditions or other rights (including investigations of potential violations of its rights), to detect, prevent, or address fraud or security issues, or to protect against harm to the rights, property, or safety of the SETA, its employees, any users, or the public

- 18.2. FoodBev SETA will comply with POPIA before transferring Personal Information to a third-party who is not a service provider of FoodBev SETA. Before transferring Personal Information to a third-party service provider, FoodBev SETA will obtain assurances from the service provider that it will Process Personal Information in a manner consistent with POPIA. Where FoodBev SETA learns that a service provider is using or disclosing Personal Information in a manner contrary to POPIA, FoodBev SETA will take reasonable steps to prevent such use or disclosure.

## **19. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION**

- 19.1. FoodBev SETA may from time to time have to disclose a Data Subject's Personal Information to other parties, including auditors, organs of state, regulatory bodies, government, or companies located overseas. Such disclosure will always be subject to an agreement which will be concluded between FoodBev SETA and the party to whom the SETA is disclosing your Personal Information to. This agreement will contractually oblige the recipient of your Personal Information to comply with strict confidentiality and data security conditions.
- 19.2. Where Personal Information and related data is transferred to a country which is situated outside South Africa, the Data Subject's Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information concludes an agreement with FoodBev SETA which contractually obliges the recipient to comply with strict confidentiality and data security conditions. These conditions and obligations will not be less than those imposed by POPIA.
- 19.3. No method of transmission over the Internet or method of electronic storage is 100% secure. Therefore, while FoodBev SETA strives to use commercially acceptable measures designed to protect personal information, the SETA cannot guarantee absolute security.

## 20. INFORMATION SECURITY MEASURES

20.1. The security and confidentiality of Personal Information is important to FoodBev SETA. The SETA has implemented reasonable security measures to protect Personal Information from unauthorised access or disclosure and improper use.

20.2. In Processing any Personal Information, FoodBev SETA has taken the following security measures:

20.2.1. **Access Control** – Access to FoodBev SETA offices is controlled.

20.2.2. **Physical Access** – Access to Personal Information is restricted employees that need the Personal Information to perform a specific job or task.

20.2.3. **Laptop Passwords** – All employee laptops are password protected to ensure that any Personal Information on an employee's laptop is protected and not easily accessible.

20.2.4. **Shared Folders** – Shared folders that contain Personal Information are password protected.

20.2.5. **Physical access and privileges** – FoodBev SETA ensures that access to Personal Information is limited to Employees on a "need to know" basis. Each department has its own lockable storage facility which is only accessible to employees of the respective department.

20.2.6. **Service Level Agreements** – The SETA's service providers are required to sign service level agreements that guarantee their commitment to the Protection of Personal Information;

20.2.7. **Back up** - All electronic files or data is backed up by the SETA's service providers who are responsible for ICT security systems that protect against third party access and physical threats.

## 21. UPDATING OF THIS MANUAL

FoodBev SETA will, if necessary, update and publish this Manual annually.

## 22. AVAILABILITY OF THE MANUAL

22.1. This Manual is available in English and can be obtained at FoodBev SETA's Offices and electronically on the website.

22.2. Translated versions of the Manual are not yet available, but every attempt will be made to assist a Requester in their language of choice.

### **23. PRESCRIBED FORMS AND FEE STRUCTURE**

The forms and fee structure prescribed under PAIA are available in the annexures to this Manual.

**24. ANNEXURE A – REQUEST FOR ACCESS TO RECORD FORM**

**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.
- 3.

**TO:** The Information Officer


(Address)

E-mail address:

--

Fax number:

--

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <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 further 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	

<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>	
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**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

*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.*

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:	

**FEEES**

<p>a) <i>A request fee must be paid before the request will be considered.</i></p> <p>b) <i>You will be notified of the amount of the access fee to be paid.</i></p> <p>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></p> <p>d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i></p>	
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*



**25. ANNEXURE B – OUTCOME OF REQUEST AND OF FEES PAYABLE**

[Regulation 8]

Note:

1. If your request is granted the—
  - (a) amount of the deposit, (if any), is payable before your request is processed; and
  - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: \_\_\_\_\_

TO: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Your request dated \_\_\_\_\_, refers.

**1. You requested:**

Personal inspection of information 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> ) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

**2. You requested:**

Printed copies of the information ( <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 information on flash drive ( <i>including virtual images and soundtracks</i> )	
Copy of information on compact disc drive ( <i>including virtual images and soundtracks</i> )	
Copy of record saved on cloud storage server	

**3. To be submitted:**

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> )	

Denied, for the following reasons:  
 \_\_\_\_\_

--

**4. Fees payable with regards to your request:**

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy	R1.50 per page or part thereof		
Printed copy	R1.50 per page or part thereof		
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

**5. Deposit payable (if search exceeds six hours):**

Yes  No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: First National Bank  
 Name of account holder: Food and Beverages Manufacturing SETA  
 Type of account: Cheque  
 Account number: 62425006758  
 Branch Code: 210554  
 Reference Nr: Name and surname  
 Submit proof of payment to: informationofficer@foodbev.co.za

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

\_\_\_\_\_  
 Information officer

**26. ANNEXURE C – INTERNAL APPEAL FORM**

[Regulation 9]

**Reference Number:** .....

<b>PARTICULARS OF PUBLIC BODY</b>			
Name of Public Body			
Name and Surname of Information Officer:			
<b>PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL</b>			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			
Is the internal appeal lodged on behalf of another person?		Yes	No
			└─
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>			
<b>PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED (If lodged by a third party)</b>			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			

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

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

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

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

\_\_\_\_\_  
**Signature of Appellant/Third party**

FOR OFFICIAL USE

OFFICIAL RECORD OF INTERNAL APPEAL

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

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

\_\_\_\_\_  
**Relevant Authority**