



South African Council for Social Service Professions

MANUAL ON THE PROMOTION OF ACCESS TO INFORMATION

South African Council for Social Service Professions
manual in terms of section 51 of the Promotion of Access to Information Act 2 of 2000

2018

South African Council for Social Service Professions

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ENQUIRIES:

The Registrar

South African Council for Social Service Professions

37 Annie Botha Avenue, Riviera, Pretoria 0001, South Africa

Private Bag X12, Gezina, 0031

Tel: +27 12 356 8300

Email: registrar@sacssp.co.za

Website: www.sacssp.co.za

ABOUT THE SOUTH AFRICAN COUNCIL FOR SERVICE PROFESSIONS

The South African Council for Social Service Professions (SACSSP/ Council) is a statutory body established in terms of section 2 of the Social Service Professions Act 110 of 1978 (the Act). Council has two Professional boards under its auspices: the Professional Board for Social Work and the Professional Board for Child and Youth Care Work. Council, in conjunction with its Professional Boards, guides and regulates the professions of social work and child youth care work in aspects pertaining to registration; education and training; professional conduct and ethical behaviour; ensuring continuing professional development; and fostering compliance with professional standards. It protects the integrity of the social service professions as well as the interest of the public at large. In order to safeguard the public and indirectly the professions, registration with Council in terms of the Act is a prerequisite before practicing social work and child and youth care work. Registration is mandatory for social workers, social auxiliary workers, student social workers, learner social auxiliary workers, child and youth care workers, auxiliary child and youth care workers and student child and youth care workers.

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ACRONYMS

SACSSP	South African Council for Social Service Professions
SAHRC	South African Human Rights Commission

DEFINITIONS

The following definitions are applicable in the interpretation of concepts within this specific policy. Concepts not defined here are sufficiently explained in the text of the policy:

'*access fee*' means the fee paid by the requester to the private body from which information is sought, to cover the costs of finding and copying the records required¹;

'*council*' means the South African Council for Social Service Professions (SACSSP);

'*designated representative*' means the person authorised by the SACSSP to handle the *Promotion of Access to Information Act 2 of 2000* requests. For the SACSSP it is the Registrar;

'*juristic person*' means a company or body which is recognised by law as an entity or 'person' having rights and duties¹;

'*natural person*' means a real person, as opposed to a legal or juristic person such as a corporation (see juristic person above)¹;

'*person*' means the natural person or a juristic person (SACSSP)¹;

'*private body*' means a natural person who carries or has carried on any trade, business or profession, but only in such capacity; or a partnership which carries or has carried on any trade, business or profession; or any former or existing juristic person (SACSSP), but excludes a public body¹;

'*record*' means any recorded information regardless of form or medium; in the possession or under the control of that public or private body (SACSSP), respectively; and whether or not it was created by that public or private body (SACSSP), respectively¹;

'*requester*' means any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body (SACSSP); or a person acting on behalf of the aforementioned person¹; and

'*third party*' means any person (including, but not limited to, a public body) other than the requester¹.

¹ These definitions were adapted from the Promotion of Access to Information Act 2 of 2000 and South African Human Rights Commission's Guide on how to use the Promotion of Access to Information Act 2 of 2000

1. INTRODUCTION

1.1 The South African Council for Social Service Professions (SACSSP) is a statutory body established in terms of section 2 of the Social Service Professions Act 110 of 1978. Section 2 establishes Council as a juristic person to be known as the SACSSP with its head office in Pretoria, which defines the SACSSP as a private body in terms of section 1 of the Promotion of Access to Information Act 2 of 2000.

1.2 This Manual was developed in adherence of section 51(1) of the Promotion of Access to Information Act 2 of 2000 that requires from private bodies to compile a manual.

1.3 The purpose of Promotion of Access to Information Act is *"to promote the right of access to information, to foster a culture of transparency and accountability in South Africa. Furthermore, PAIA is aimed at encouraging an open democracy where individuals from all walks of life are empowered to engage with government and participate in decisions which affect their lives"*.

1.4 The right to access to information is safeguarded in section 32 of the Constitution of the Republic of South Africa, 1996. This Manual guides the implementation of the said right taking into account the provisions of other sections in the Bill of Rights and the Promotion of Access to Information Act 2 of 2000.

1.5 The SACSSP's PAIA Manual is available to the public, free of charge, at the address stated below or on its website.

2. CONTACT DETAILS

2.1 The South African Council for Social Service Professions (SACSSP) has designated the Registrar to be the *designated representative* who will handle all requests in terms of the the Promotion of Access to Information Act 2 of 2000 Act on its behalf.

2.2 All requests in terms of the Act must be addressed to:

The Registrar
SACSSP
37 Annie Botha Avenue, Riviera, Pretoria 0001,
South Africa
Private Bag X12, Gezina, 0031
Tel: +27 12 356 8300
Email: registrar@sacssp.co.za

2.3 At the time of publication of the current version of the Manual (July 2018), the Registrar is:

Ms Langi Malamba

3. THE PROMOTION OF ACCESS TO INFORMATION ACT

3.1 The Promotion of Access to Information Act 2 of 2000 grants a requester access to records of a private body, if the record is required for the

exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.2 Requests in terms of the Promotion of Access to Information Act 2 of 2000 shall be made in accordance with the prescribed procedures as provided for in this Manual.

3.3 Requesters are referred to the [South African Human Rights Commission's Guide in terms of section 10](#) which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising constitutional rights. This Guide is available from:

SAHRC
Braampark Forum 3
33 Hoofd Street
Braamfontein, Johannesburg
Tel: +27 01 877 3600
Website: www.sahrc.org.za

4. STRUCTURE AND FUNCTIONING OF THE SACSSP

4.1 The South African Council for Social Service Professions (SACSSP) is established in terms of section 2 of the Social Service Professions Act 110 of 1978.

4.2 The SACSSP consists of a minimum of 19 and maximum of 34 Members and is constituted as follows in terms of section 5(1)(a) of the Social Service Professions Act 110 of 1978:

- (a) *six social workers elected in the prescribed manner by social workers;*
- (b) *three representatives from each of the professions other than social work in respect of which professional boards have been established, elected in the prescribed manner by persons representing those professions; and*
- (c) *13 persons appointed by the Minister, of whom -*
 - (i) *two shall be nominated by the training institutions;*
 - (ii) *one shall be in the employment of the Department of Welfare in the national sphere of government;*
 - (iii) *two shall be nominated by national forums and networks in the welfare, social services and development field;*
 - (iv) *one shall be nominated by trade unions which represent employees engaged in developmental social welfare services;*
 - (v) *one shall be nominated by business;*
 - (vi) *one shall be nominated by the Minister of Education in the national sphere of government;*
 - (vii) *four shall be persons nominated by the community: Provided that -*
 - (aa) *one shall be appointed by virtue of his or her specialized knowledge in a field other than social work and whose appointment to the council will enhance its effectiveness; and*
 - (bb) *one shall be a disabled person; and*
 - (viii) *one shall be nominated by the heads of the departments responsible for welfare matters in the provincial sphere of government.*

4.4 Section 14A of the Social Service Professions Act 110 of 1978 provides for the establishment of professional boards in relation to social service professions. The SACSSP currently has two professional boards under its auspices, i.e. the Professional Board for Social Work and the Professional Board for Child and Youth Care Work. The functions of a professional board are prescribed in the Social Service Professions Act 110 of 1978 as well as regulations specifically gazette for each professional board's establishment and operations.

4.5 Council must establish an Executive Committee as prescribed in section 9 of the Social Service Professions Act 110 of 1978 to deal with matters pertaining to Council in-between Council meetings.

4.6 In terms of section 10 of the Social Service Professions Act 110 of 1978 the SACSSP may establish committees to "assist it in the execution of its powers or the performance of its functions". The Committees established by the 4th South African Council for Social Service Professions at the time of publication of this Manual are:

- (a) Finance and Administration Committee;
- (b) Risk Audit Committee;
- (c) Communication and Public Relations Committee;
- (d) Human Resources Committee;
- (e) IT and Business Re-engineering Committee;
- (f) Education, Development and Training Committee;
- (g) Registration Committee; and
- (h) Transformation Committee.

4.7 Committees established in terms of sections 9 and 10 of the Social Service Professions Act 110 of 1978 function in terms of committee specific charters that set out each committee's mandate, responsibilities, reporting requirements and memberships.

4.8 Council also established the following committees as contemplated in the *Regulations Regarding the Conducting of Inquiries into alleged Unprofessional Conduct* (Government Notice R 917 in Government Gazette Number 25109 of 27 June 2003):

- (a) Registrar's Committee for Professional Conduct Complaints;
- (b) Committee for Preliminary Inquiry; and
- (c) Professional Conduct Committee

4.9 The South African Council for Social Service Professions (SACSSP), in conjunction with its two Professional Boards, guide and regulate the professions of social work and child youth care work in aspects pertaining to registration, education and training, professional conduct

and ethical behaviour, ensuring continuing professional development, and fostering compliance with professional standards. It is protecting the integrity of the social service professions as well as the interest of the public at large.

4.10 In order to safeguard the public and prestige, status, integrity and dignity of the professions the professions, registration in terms of the Social Service Professions Act 110 of 1978 with the SACSSP is a prerequisite for practicing social work and child and youth care work. This includes social workers, social auxiliary workers, student social workers, student social auxiliary workers, child and youth care workers, auxiliary child and youth care workers, student child and youth care workers, and student auxiliary child and youth care workers.

4.11 The SACSSP is supported by a Registrar appointed in terms of section 11 of the Social Service Professions Act 110 of 1978, which execute the functions as prescribed and also oversees the administration of the SACSSP.

4.12 The following provides an overview of the SACSSP's structure:



5. MANDATE AND POWERS OF THE SACSSP

5.1 The South African Council for Social Service Profession (SACSSP) derives its mandate from the Social Service Professions Act 110 of 1978, which establishes the SACSSP with the following objects as contemplated in section 3:

- (a) to protect and promote the interests of the professions in respect of which professional boards have been or are to be established and to deal with any matter relating to such interests;
- (b) to maintain and enhance the prestige, status, integrity and dignity of the professions in respect of which professional boards have been established;
- (c) to advise the Minister in relation to any matter affecting the professions in respect of which professional boards have been established;
- (d) to control and to exercise authority with regard to all financial matters relating to the council and the professional boards;
- (e) to consult and liaise with relevant authorities on matters affecting the professional boards in general;
- (f) to determine, on the recommendation of the professional

boards, the qualifications for registration of social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established;

- (g) to regulate the practising of the professions in respect of which professional boards have been established and the registration of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established;
- (h) to determine the standards of professional conduct of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established and to ensure that they are maintained;
- (i) to exercise effective control over the professional conduct of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established;
- (j) to encourage and promote efficiency in and responsibility with regard to the practice of the professions in respect of which professional boards have been established;
- (k) to assist in the promotion of social services to the population of the Republic;
- (l) to advise the Minister on the amendment or adaptation of this Act, in particular to place greater emphasis on professional practice, democracy, transparency, equity, accessibility and community need and involvement;
- (m) subject to section 14B (c), to control and to exercise authority in respect of all matters affecting -
- (i) the training of persons in accordance with the developmental social welfare approach; and
 - (ii) the manner in which the practices pursued in the promotion of social services to the population of the Republic are exercised;
- (n) to investigate additional sources of funding for the council;
- (o) to promote liaison in the field of training relating to social services both in the Republic and elsewhere, and to promote the standards of such training in the Republic;
- (p) to promote and to regulate inter-professional liaison between registered professions in respect of which professional boards have been established in the interest of the public; and
- (q) to co-ordinate the activities of the professional boards and to act as an advisory and communicatory body for such professional boards.

5.2 Section 4 of Social Service Professions Act 110 of 1978 bestows the following powers and functions to the SACSSP in order to achieve its objects:

- (a) acquire or hire movable or immovable property;
- (b) develop, mortgage, let, sell or otherwise dispose of or burden movable or immovable property of the council;
- (c) accept, draw, endorse, issue, make, pay or perform any other act in respect of negotiable instruments;
- (d) spend and invest funds of the council;
- (e) enter into contracts;
- (f) subject to the provisions of this Act, appoint such persons at the remuneration and on the other conditions of service which it deems fit for the carrying out of its functions and may dismiss such persons;
- (g)
- (h) undertake or cause to be undertaken any research or study on any matter relating to the profession of social work and other professions in respect of which professional boards have been established;
- (i) exercise or perform any power or function conferred or

imposed upon it by or under this Act or any other act;

- (j) generally take such other steps and perform such other acts as may be necessary.

6. APPLICABLE LEGISLATION AND POLICY

6.1 In terms of section 51(1)(c) of the Promotion of Access to Information Act 2 of 2000 the following legislation and policies are applicable:

- Social Service Professions Act 110 of 1978 and all Regulations thereto.
- Children's Act 38 of 2005
- Older Persons Act 13 of 2006
- Fund-Raising Act 107 of 1978
- Social Assistance Act 13 of 2004
- Nonprofit Organisations Act 71 of 1997
- Advisory Board on Social Development Act 3 of 2001
- Domestic Violence Act 116 of 1998
- Prevention and Treatment of Substance Abuse Act 70 of 2008
- National Health Act 61 of 2003
- Criminal Procedure Act 51 of 1977
- Basic Conditions of Employment Act 75 of 1997
- Compensation of Occupational Injuries and Diseases Act 130 of 199
- Employment Equity Act 55 of 1998
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Unemployment Insurance Act 30 of 1996
- Skills Development Act 97 of 1997
- Skills Development Levies Act 9 of 1999
- South African Qualifications Authority 58 of 1995
- Credit Agreements Act 75 of 1980
- Debt Collectors Act 114 of 1998
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Value Added Tax Act 89 of 1991
- Competition Act 89 of 1998
- Consumer Affairs Act 23 of 1999
- Copyright Act 98 of 1978
- Electronic Communications and Transactions Act 25 of 2000
- Magistrates Court Act 32 of 1944
- Supreme Court Act 59 of 1959
- Promotion of Access of Information Act 2 of 2000
- Prevention of Organised Crime Act 121 of 1998

6.2 The above is not an exhaustive list of legislation and policy and paragraph 6.1 will be reviewed on a regular basis together with the review of the Manual as a whole.

7. CONFIDENTIALITY POLICY

7.1 Subject to the provisions of section 62 to 70 of the Promotion of Access to Information Act 2 of 2000 and the provisions of the any legislation listed in paragraph 6.1 the SACSSP will protect the confidentiality of information provided to it by individuals or others, subject to its obligations in terms of any applicable law.

- 7.2 Council may at the discretion of the majority of its Members in attendance decide that certain parts of a Council meeting be conducted in camera if the nature of the discussion is of such a nature that it may compromise or advance an individual or particular issue. This includes the conducting of part of a meeting in absence of the Registrar and administrative staff. In such cases:
- (a) record shall be kept of such discussion and will only be available to Members of the SACSSP. Such records shall be kept for official purposes in a designed lockable facility, which only Council Members have access to at the SACSSP's offices; and
 - (b) the minutes of the meeting shall reflect a reason why this part of the meeting was held in camera and provide a summary of the discussions without disclosing any details that can compromise the individual or particular issue.
- 8. RECORDS HELD BY THE SACSSP**
- 8.1 AUTOMATICALLY AVAILABLE INFORMATION WITHOUT A FORMAL REQUEST**
- 8.1.1 The Social Service Professions Act 110 of 1978 and its regulations as well as certain other applicable legislation require the SACSSP must have certain information available atomically either in the public domain or upon request, irrespective of who the requesting person may be.
- 8.1.2 In terms of the Companies Act 61 of 1973 any person may have access to specified financial information.
- 8.1.3 The information referred to in this paragraph is available from the SACSSP in the following formats as contemplated in section 52(1)(a) of the Promotion of Access to Information Act 2 of 2000, and does not require a formal request:
- (a) for inspection in terms of any legislation other than the Promotion of Access to Information Act 2 of 2000;
 - (b) for purchase or copying from the SACSSP; and
 - (c) free of charge.
- 8.1.4 The following records and documentation is automatically available from the SACSSP:
- 8.1.4.1 *Registers:* The Registrar keeps registers in terms of section 19 of the Social Service Professions Act 110 of 1978 of all categories of social service professionals registered with the SACSSP and these can be accessed via the Registrar or on the SACSSP's website by the public. This includes only key public records and not the personal information of registrants.
- 8.1.4.2 *Office bearers:* The names, credentials and responsibilities of Members of the SACSSP and its Professional Boards are available from the Registrar and on the SACSSP's website. All information regarding the election and appointment as well as procedures thereto are available from the Registrar.
- 8.1.4.3 *Council Notices:* All General Notices (published by the Registrar) and Board Notices (published in the Government Gazette) issued by the SACSSP are available from the Registrar and on the SACSSP's website.
- 8.1.4.4 *Annual reports:* All Annual Reports published by the SACSSP are available from the Registrar and on the SACSSP's website.
- 8.1.4.5 *Audited Financial Statements:* All audited financial statements of the SACSSP are available from the Registrar or on the SACSSP's website within 6 months after the end of each financial year.
- 8.1.4.6 *Legislation and Regulations:* The Social Service Professions Act 110 of 1978, all Regulations and Rules thereto are available from the Registrar and on the SACSSP's website.
- 8.1.4.7 *Policies:* All policies (public and internal) developed and approved by the SACSSP and/or its Professional Boards in respect of the professions registered with it are available from the Registrar, and public policies are also available on the SACSSP's website.
- 8.1.4.8 *Disciplinary inquiries:* The outcome of any disciplinary inquiry is available to the public from the Registrar. The proceedings of a disciplinary inquiry is also available to the subject to the provisions of regulation 25 of the *Regulations regarding the Conducting of Inquiries into alleged Unprofessional Conduct*. If any of the provisions in terms of regulation 25 applies, a request need to be lodged as provided for in paragraph 8.2 below.
- 8.1.4.9 *Continuing professional development:* Policies and procedures in relation to continuous professional development, the names of accreditors and accredited service providers of CPD and their accreditation numbers, and all related records and information are available from the Registrar and on the SACSSP's website.
- 8.1.4.10 *Communication and other materials:* All newsletters, promotional material and other related documentation is available free of charge in electronic format from the Registrar and on the SACSSP's website. Printed copies will only be provided if available.
- 8.1.5 The above records are available in English only.
- 8.1.6 Any person who is prevented by a disability to read, view or listen to the record should indicate his or her disability and indicate in which form the record is required. the SACSSP's website will be accessible for persons who are visually impaired from 2020/2021.

8.2 RECORDS HELD BY COUNCIL THAT REQUIRE A FORMAL REQUEST

- 8.2.1 Access to records not indicated in paragraph 8.1 or not generally available to the public needs to be requested in terms of section 53 of the Promotion of Access to Information Act 2 of 2000.
- 8.2.2 The procedures that need to be followed is described in paragraph 9.

9. REQUESTING INFORMATION

9.1 FORM OF REQUESTS

- 9.1.1 Requests for access to any information other than those mentioned in paragraph 8.1 above or that is generally available to the public should be made on the prescribed *Form C* (SACSSP's FORM S.1.2 attached as *Annexure A*) as contemplated in section 53(1) of the Promotion of Access to Information Act 2 of 2000.
- 9.1.2 The prescribed Form is attached as *FORM S.1.2* to this Manual and is also available from the South African Human Rights Commission.
- 9.1.3 *FORM S.1.2* needs to be completed in full and submitted to the Registrar as indicated in paragraph 2.1. It should be accompanied by the following additional information:
- 9.1.3.1 Proof of identity is required to authenticate the request as well as the person who submit the request to the SACSSP. Proof of identity includes a *certified copy* of a South African Identification Document, a valid Passport or any other legally acceptable means of identification. Please note that the SACSSP will not accept a driver's license or temporary identity documents as proof of identity.
- 9.1.4 It is responsibility of the person who submit the request for access to information to ensure that *FORM S.1.2* is completed in full and correctly.
- 9.1.5 Incomplete forms will result in delays in the process until all the required information is provided.
- 9.1.6 Cognizance need to be taken regarding the prescribed fees as indicated in paragraph 10 below and *Annexure B*.

9.2 WHO MAY REQUEST INFORMATION?

- 9.2.1 The Promotion of Access to Information Act 2 of 2000 indicates that any person is allowed to make a request, which includes:
- a natural person (South African as well as non-South African);
 - a juristic person; and/or
 - a person acting on behalf of a natural or justice person.
- 9.2.2 In terms of section 50(1) of the Promotion of Access to Information Act 2 of 2000 a person who request access to information must be given access if the record "*is required for the exercise*

or protection of any rights" if:

- the person complies with the procedural requirements, and
- access to such records are not refused in terms sections 62 to 72 of the Promotion of Access to Information Act 2 of 2000.

9.3 GUIDANCE TO REQUESTERS

- 9.3.1 This paragraph provides a step-by-step guide to persons who wish to submit a request to access records.

STEP 1

First determine whether the information required is not automatically available (see paragraph 8.1)

STEP 2

Complete the prescribed *FORM S.1.2* fully and double check that all required information is there.

STEP 3

Submit *FORM S.1.2* together with certified proof of identity (see paragraph 9.1.3.1) to the Registrar (see paragraph 2.1) together with proof that the prescribe access fee has been paid (see paragraph 10).

STEP 4

Keep a copy of FORM S.1.2 for your own records

STEP 5

The Registrar is obliged, subject to the provisions of section 56(1) of the Promotion of Access to Information Act 2 of 2000, to respond to your request within 30 days. If the person who submitted the request does not receive any feedback within 30 days, he or she has the right to follow-up directly with the Registrar regarding the progress of the request.

STEP 6

If a request is granted, the person who submitted the request will be informed regarding the fees payable as contemplated in section 54 of the Promotion of Access to Information Act 2 of 2000 and the Regulations regarding the promotion of access to information published by Government Notice No. R. 187 in the Government Gazette No 23119 of 15 February 2002. The requested records will only be released once the full fee is paid (see paragraph 10 below and Annexure B). Keep the proof of payment.

STEP 7

If access to records is refused based on reasonable grounds as contemplated in sections 62 to 70 of the Promotion of Access to Information Act 2 of 2000 the Registrar will inform the person who requested the records in writing with reasons. See paragraph 12 below regarding appeal procedures.

- 9.3.2 More information is available in the *South African Human Rights Commission's Guide* on how to

use the Promotion of Access to Information Act 2 of 2000, which is available on their website www.sahrc.org.za.

- 9.3.3 Any person who is prevented by a disability to read, view or listen to the record should indicate his or her disability and indicate in which form the record is required.

10. PRESCRIBED FEES

- 10.1 Section 54 of the Promotion of Access to Information Act 2 of 2000 and the Regulations regarding the promotion of access to information published by Government Notice No. R. 187 in the Government Gazette No 23119 of 15 February 2002 provides direction on the fees that may be charged to persons requesting access to information in records in terms of the said Act.
- 10.2 The maximum fees payable are determined in accordance with section 54(8) by the Minister for Justice and Constitutional Development. *Annexure B* indicates the prescribed fees payable to the SACSSP for the processing of a request for information based on the aforementioned.
- 10.3 No records will be released to the person who made the request to access records unless the required fees are paid in full.
- 10.4 Subject to the provisions of the section 54(1) a requester fee of R50 is payable upfront where a requestor submits a request for access to information on a person other than him- or herself, before the processing of the request commences.
- 10.5 In terms of section 54(2) the SACSSP may request a deposit from a person who requests for access to information on anybody other than him- or herself, if the time required to prepare the information will take more than 6 hours. The deposit is fully refundable in case when the request is not granted.
- 10.6 Payment method: Only payments into the SACSSP's bank account will be accepted, either directly or electronically. Care should be taken to use the correct reference number, which is **PAIA** + the **first 6 digits of your ID number** without a space, e.g. PAIA670131.
- 10.7 The Minister of Justice and Constitutional Development determined in accordance with section 22(8) of the Promotion of Access to Information Act 2 of 2000 to exempt single persons whose annual income, after permissible deductions, does not exceed R14,712 per annum; and married persons or a person and his or her life partner whose annual income, after permissible deductions, does not exceed R27,192 per annum from paying the access fees as contemplated in section 54(7) of the Act¹.

11. GROUNDS FOR REFUSAL OF REQUESTS

- 11.1 The Registrar is empowered to refuse a request to access information as provided for by the Promotion of Access to Information Act 2 of 2000 under the following circumstances:
- 11.1.1 Mandatory protection of privacy of a third party who is a natural person as provided for in section 63.
- 11.1.2 Mandatory protection of commercial information of a third party as provided for in section 64.
- 11.1.3 Mandatory protection of certain confidential information of a third party as provided for in section 65.
- 11.1.4 Mandatory protection of safety of individuals, and protection of property as provided for in section 66.
- 11.1.5 Mandatory protection of records privileged from production in legal proceedings as provided for in section 67.
- 11.1.6 Commercial information of the private body as provided for in section 68.
- 11.1.7 Mandatory protection of research information of third party, and protection of research information of private body as provided for in section 69.
- 11.2 Section 70 of the Promotion of Access to Information Act 2 of 2000 obliged the SACSSP, subject to certain provisions stipulated in the section, to disclose records if such records will reveal evidence of "a substantial contravention of, or failure to comply with, the law; or imminent and serious public safety or environmental risk; and the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question".
- 11.3 Subject to the provisions of section 70 of the Promotion of Access to Information Act 2 of 2000 the SACSSP will not make available any records in respect of any matter that protects the interest of clients' of social service professionals as safeguarded in the Social Service Professions Act 110 of 1978 and its regulations, as well as codes of conduct and ethics applicable to the social service professions.
- 11.4 The following discretionary refusal shall also apply:
- 11.4.1 Where the disclosure of such information relating to a third party would prejudice the supply of similar information in the future.
- 11.4.2 Where the record contains information around crime prevention, detection and prosecution of alleged offenders.
- 11.4.3 Where the disclosure would unreasonably reveal consultative material obtained on account of

¹ These fees may be different subject to changes by the Minister of Justice and Constitutional Development.

deliberations over formulation of policy, exercise of power or performance of a duty.

- 11.4.4 Where the request is frivolous or vexatious.
- 11.5 Requesters will be informed within 30 days as required in terms of 56(1) of the Promotion of Access to Information Act 2 of 2000, whether a request is refused. Please note that extension may be requested for an additional 30 days by Council in accordance with section 57, if additional time is required.
- 11.6 The Registrar shall provide reasons in writing for the refusal of any request to the person who requested access to the information.

12. APPEAL

The Promotion of Access to Information Act 2 of 2000 does not provide for internal appeals against the decisions of Information Officers for private bodies such as the SACSSP. A person aggrieved by the decision of the Registrar to refuse a request to access to information may approach a court within 180 days as contemplated in section 78(2)(d) of the Promotion of Access to Information Act 2 of 2000.

13. REVIEW OF THE MANUAL

This Manual will be reviewed by the SACSSP on a regular basis to ensure that it is up to date and meet the requirements as contemplated in section 51 of the Promotion of Access to Information Act 2 of 2000.

14. AVAILABILITY OF THE MANUAL

The SACSSP's Manual in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 is available for inspection, free of charge at its offices in Pretoria and is also available on its website. A copy is also available from the South African Human Rights Commission.

15. COMMENCEMENT

The provisions of this *South African Council for Social Service Professions' Manual in terms of section 51 of the Promotion of Access to Information Act 2 of 2000* shall commence upon approval through a resolution of the South African Council for Social Service Professions.

BIBLIOGRAPHY

Regulations regarding the promotion of access to information (Published in the *Government Gazette* (23119), Pretoria: Government Printer)

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INSTRUCTIONS:

SECTION D: Particulars of record (cont.)

- **D2:** Provide the reference number of the record if that is known to you, to enable the record to be located.
- **D3:** Please provide any other relevant information, if available, that will assist the SACSSP to identify and locate the record.

SECTION E: FEES

- Only payments into Council's bank account will be accepted, either directly or electrically.
- Care should be taken to use the correct reference number, which is PAIA + the first 6 digits of your ID number without a space, for example: PAIA670131.
- The reference number is the only way in which your payment can be traced in Council bank account.
- **Keep a copy** of your proof of payment for your own records.
- No requests will be processed without the required fees being paid, unless exemption for the payment of the prescribed fee is granted.

SECTION F: FORM OF ACCESS

- **F1** needs to be completed **ONLY** by a person with a disability.
- A person with a disability should indicate in F1 the Form in which the record requested is required, **ONLY** if any of the formats in **F2** is not suitable.
- **F2 must be completed** by all persons requesting access to a record (accept in the instance as described above).
- Compliance with your request in the specified form may depend on the form in which the record is available.
- 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.
- The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

D2. Reference number, if available:

D3. Any further particulars of the record:

E. FEES PAYABLE & BANKING DETAILS

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after the correct request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption in paragraph E1.

Fees are to be paid into the bank account of the SACSSP

Account name: SACSSP
Bank: NEDBANK
Account number: 1190739410
Branch: MENLYN MAINE
Branch Code: 198765
Reference: A reference number must be provided for every payment.

E1. Reason for exemption from payment of fees:

F. FORM OF ACCESS TO RECORD

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in F2.1 to F2.4 hereunder, state your disability and indicate in which form the record is required in paragraph F1

F1. Disability (if applicable)

Form in which required

Only when any of the formats in F2 is not applicable:

F2. Form in which record is required (mark with an X below):

(Choose **ONE** option only)

F2.1 If the record is in written or printed form:

Copy of record* Inspection of record

F2.2 If record consists of visual images (e.g. photographs, slides, video recordings, computer-generated images, etc)

Copy of the images* View the images Transcription of images*

F2.3 If record consists of recorded words or information that can be reproduced in sound:

Listen to the soundtrack Copy of soundtrack* Transcription of soundtrack*

F2.4 If record is held on computer or in an electronic or machine-readable form:

Printed copy of record* Printed copy of information derived from the record* Copy in computer readable form* (compact disc or similar)

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

YES NO

INSTRUCTIONS:

- SECTION G: Right to be exercised**
- G1 and G2 must be completed by all persons requesting access to a record.
 - The requester must state the right that is implicated (G1) and explain why the record is required for the exercise or protection of that specific right (G2).

G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate folio and attach it to this form. Please mark the additional pages with the corresponding paragraph number, e.g. G1. The requester must sign all the additional folios.

G1. Indicate which right is to be exercised or protected:

G2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

- SECTION H: Notice of decision**
- Only complete if you prefer to also be informed in another manner than in writing (letter) via ordinary postal services (mail).
 - You will still be informed in writing (letter) in addition to the other manners of communication indicated.

H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

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

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

Email Fax SMS Other (specify)

- SIGNATURE**
- Sign FORM S.1.2 and append the date of completion in the provided spaces.
 - Complete the check list below **before** you submit the application

Signed at on of 20

- CHECKLIST: Must be completed:**
- The correct and complete contact details were provided in Sections B (and C if applicable)
 - Certified proof of identity is attached
 - Section D has all the available information regarding the record
 - Section F has been completed correctly.
 - Section G has been completed in full (G1 and G2)
 - I have checked and confirm the correct requesting fee
 - The correct amount has been paid into the SACSSP bank account.
 - The correct reference number (see section E) was used for the payment.
 - Proof of payment is attached.
 - If additional pages were used, they have been correctly marked and signed
 - FORM S.1.2 is signed and dated on page 3

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

FOR OFFICE USE ONLY Do not complete

Date received Request is complete incomplete Proof of payment (request fee) Y N

Date reviewed by the INFORMATION OFFICER DECISION of Information Officer Approved Conditionally approved Declined Date requested was informed of outcome

If APPROVED Format that it will be provided in (see section F)

Payments required Proof of payment (request fee) Y N Date finalised

ANNEXURE B

PRESCRIBED FEES

The prescribed fees for accessing records of a private body in terms of the *Promotion of Access to Information Act, 2000: Regulations regarding the promotion of access to information* published by Government Notice No. R. 187 in the Government Gazette No 23119 of 15 February 2002.

Please note that the fees indicated in this Annexure were valid at the time of publication of this manual and are subject to change should the Minister for Justice and Constitutional Development publish an amendment in the Government Gazette.

ITEM	FEE
Requesting fee (<i>payable when request is made</i>)	R50.00
Copy per A4 page	R1.10
Printing per A4 page	R0.75
Copy on a CD	R70.00
Transcription of visual images per A4 page	R40.00
Copy of a visual image	R60.00
Transcription of an audio recording per A4 page	R20.00
Copy of an audio recording	R30.00
Search and preparation of the record for disclosure per hour or part thereof, excluding the first hour, reasonably required for the search and preparation <i>One third of the access fee is payable as a deposit by the requester if the search and preparation exceeds 6 hours.</i>	R30.00
Postage fee	Actual

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NON NOBIS - *Not for ourselves*