

 <b>PPECB</b>	<b>MANUAL FOR THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000</b>	PP01.03-14
		Revision: 02
		Date: 6 February 2017
Process Owner : Chief Executive Officer		Process Approver : EXCO

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## 1. INTRODUCTION TO ENTITY

The PPECB is a Section 3A national public entity in terms of the PFMA Act 1 of 1999 and specialises in providing inspection, food safety and cold chain statutory services to the perishable products industry and is constituted in terms of the Perishable Products Exports Control Board Act 9 of 1983 and performs functions in terms of the Agricultural Product Standards Act 119 of 1990.

The power for purposes of the Act is delegated to the Chief Executive Officer, who has in turn appointed a Chief Information Officer to manage compliance with PAIA as well as all requests for information.

The Deputy Information Officer is the Legal and Corporate Governance Manager.

This manual must be read together with the Promotion of Administrative Justice Act No. 3 of 2000 and with the Protection of Personal Information Act 4 of 2013.

## 2. CONTACT DETAILS

Postal address:

The Chief Information Officer

PPECB

P.O. Box. 15289

Panarama

7506

Tel +27(21)9301134

Fax +27(21)9306194

Physical address:

45 Silverboom Avenue

Plattekloof

7500

E-mail address:

YaneshR@ppecb.com

Website:

<http://www.ppecb.com>

## 3. SECTION 10 GUIDE ON HOW TO USE THE ACT

Should you require any clarity about or assistance with the Act, you are referred to the Guide that must be published by the Human Rights Commission in terms of section 10 of the Act. This Guide will inter alia include the process that needs to be followed in order to request access to records as well as details of prescribed fees payable in respect of requests for records. Any queries in this regard can be directed to:

The South African Human Rights Commission  
PAIA Unit  
Private Bag 2700 Houghton  
2041

Telephone 011 8773600  
E-mail PAIA@sahrc.org.za

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#### 4. TYPES OF RECORDS

##### 4.1 Records available in terms of other legislation

All records kept in terms of legislation applicable to PPECB are available in accordance with the said legislation. This includes:

- Agricultural Products Standards Act 119 of 1990
- Basic Conditions of Employment Act 75 of 1997
- Co-operatives Act 14 of 2005
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- National Credit Act 34 of 2005
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Regional Services Councils Act 109 of 1985
- Short Term Insurance Act 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- VAT Act 89 of 1991
- Competition Act 89 of 1998
- Copyright Act 98 of 1978;
- Promotion of Access to Information Act 2 of 2000
- Prevention and Combating of Corrupt Activities Act 12 of 2004

##### 4.2 Records available without requesting access in terms of the act

PPECB has not, in terms of Section 52(2) of the Promotion of Access to Information Act 2 of 2000, submitted categories of records which are automatically available without a request for access. Certain information is, however, freely available on the website at <http://www.ppecb.com>.

##### 4.3 Records available on request

A requester may request access to the following information subject to the access being denied in terms of the Act:

###### *i. Human Resources:*

"Employee" includes, without limitation, directors, managers, all permanent, temporary and part time staff as well as all contractors.

- Personal information provided by employees;
- Information provided by a third party relating to employees;
- Conditions of employment and other personnel-related contracts;
- Internal evaluation records and other internal records;
- Correspondence relating to employees;
- Training schedules and material;
- Disciplinary records;
- Payroll records;

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- Various leave records.

*ii. Stakeholder-related records and information:*

"Stakeholder" includes any natural or juristic entity who receives services from the PPECB.

- Any information a stakeholder has provided to PPECB;
- Any information the stakeholder has provided to a third party acting on behalf of PPECB;
- Records generated by or within PPECB pertaining to the stakeholder, including transactional records.

*iii. Records pertaining to PPECB*

This includes, but is not limited to:

- Financial records;
- Operating records;
- Databases and information technology;
- Communication records;
- Internal correspondence;
- Records relating to services;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of PPECB.

*iv. Records related to other parties*

PPECB may possess records pertaining to other parties, including (but not limited to) contractors, suppliers and service providers. Alternatively, such other parties may possess records which can be said belong to PPECB. The following records fall in this category:

- Employee, client or PPECB records which are held by another party as opposed to being held by PPECB;
- Records held by PPECB pertaining to other parties, including (but not limited to) financial records, correspondence, contractual records, records provided by the other party and records third parties have provided about contractors and or suppliers.

## 5. REQUESTING PROCEDURE

A person wishing to access the records of PPECB must complete the necessary request form. This request form is available from the Information Officer or at <http://www.ppecb.com/> or <http://www.doj.gov.za/>. The form requires the requester to provide inter alia the following information:

- Sufficient information to enable the Information Officer to identify the requester;
- Sufficient information to enable the Information Officer to identify the records requested;
- The form of access required;
- The requestor's postal address and fax number;
- Identification of the right sought to be exercised or protected;
- An explanation why the specific record is required to exercise or protect the right;
- The manner in which the requester wishes to be informed of the decision on the request;

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- If the request is made on behalf of a person, the submission of proof of the capacity in which the requester makes the request, to the satisfaction of the Information Officer.

Requesters must note that all of the information on the request form should be provided to the satisfaction of the Information Officer, failing which the process will be delayed until such time that the information is complete.

The time periods prescribed by the Act will not commence until such time as the Information Officer is satisfied that all pertinent information has been furnished to PPECB by the requester.

The Chief Information Officer will consider the application and determine whether PPECB has specific written consent to provide the information requested.

If there is no specific written consent on record, the PPECB will correspond with the party whose information has been requested and advise them of the application that has been received and enquire as to whether there are any reasons as to why the PPECB should not provide the information that has been requested.

It is important to note that access to certain records may or must be denied on the grounds set out in the Act. Mandatory grounds for refusal include, but are not limited to:

- Information for the protection of the privacy of a person;
- Information for the protection of the commercial and/or confidential information of third parties;
- Information privileged from production in legal proceedings;
- Commercial information of PPECB;
- Research information;
- Information which can endanger the safety of an individual.

The PPECB will consider the reasons for refusal of the information requested, provided by the customer and/or third party in terms of PAIA and consider whether there are any grounds as stipulated above and as set out in the Act which preclude it from releasing the requested information.

The PPECB will then advise the requester and the customer and/or third party accordingly.

## **6. PRESCRIBED FEES**

The nominal fee is R1350 per request. This amount is annually adjusted by a factor which is equal to the official CPIX as officially published by SA Statistics.

## **7. AVAILABILITY OF MANUAL**

The manual is available for inspection at the offices of the Information Officer or on PPECB website <http://www.ppecb.com>.

It will also be available at the offices of the Human Rights Commission.