

PAIA MANUAL



JET EDUCATION SERVICES
THINK EDUCATION. THINK JET.

This is the PAIA Manual of JET Education Services, a non-profit organisation having Registration Number 2000/007541/08 (“JET”).

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A Non-Profit Company • Reg No. 2000/007541/08 • PBO No 015-623NPO • Vat Reg No. 4830 188 704
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1 INTRODUCTION TO JET EDUCATION SERVICES

JET Education Services is an independent, non-profit organisation that works with government, the private sector, international development agencies and education institutions to improve the quality of education and the relationship between education, skills development and the world of work.

JET operates across the public education sector in South Africa, from Grade R through to the FET Colleges sector. The development and evaluation projects in which it is involved are focused in poor, marginalised and disadvantaged communities across the country.

JET's main focus is on making a meaningful impact in improving the learning and teaching at schools so that learners receive quality education giving them access to further opportunities.

Vision

Quality education for every child in South Africa.

Mission

We offer educational research and knowledge-based interventions that are innovative, cost effective and sustainable to our clients who support disadvantaged young South Africans through education development initiatives.

2 INTRODUCTION TO THE MANUAL

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

3 INFORMATION REQUIRED UNDER SECTION 51(1)(A) OF THE ACT

The Chief Executive Officer has duly authorised the Knowledge Manager to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act, 2 of 2000:

Contact Person: Ramadimetja Pale

Postal address:

Education Hub,
6 Blackwood Avenue
Johannesburg
South Africa 2193

Physical address:

Education Hub,
6 Blackwood Avenue
Johannesburg
South Africa 2193

Tel: +27 11 403 6401

Fax: + 865500115

E mail: ramadimetja@jet.org.za

Web site: www.jet.org.za



4 DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(B)

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St. Andrews Street, Parktown and on its website at www.sahrc.org.za.

A copy of this Manual is available on our website www.jet.org.za, or by sending a request for a copy to the Head of JET Education Services by e-mail.

5 THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY):

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

6 RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

Any sub-contractors contracted by JET to work on any project that requires them to receive or collect data/information will be required to sign a confidentiality agreement with JET to ensure that any data or information that is provided to them or that they collect will be treated with the strictest confidentiality.

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 71 of 2008
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999
- Electronic Communications Act 36 of 2005
- Trademarks Act No 194 of 1993
- Copyright Act 98 of 1978

7 SUBJECTS AND CATEGORIES OF RECORDS HELD BY JET EDUCATION SERVICES SECTION 51(1)(e)

Companies Act records

- Documents of incorporation
- Memorandum of Incorporation
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/public officer and other officers
- Share Register and other statutory registers



Financial records

- Annual Financial Statements
- Tax records and returns
- Accounting Records
- Banking Records
- Rental Agreements
- Invoices and statements
- Asset Register
- Agreements

Income tax records

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Regional Services Levies
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

Personnel documents and records

- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

Operations records

- Project proposals
- Project documents
- Procedure manuals
- Marketing
 - Website
 - Marketing materials
 - Customer / client contact details



8 DETAILS ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)

- The requester must complete Form C and submit this form together with a request fee, of R50.00, to the contact person indicated above.
- The form must be submitted to the Knowledge Manager at her address, fax number, or electronic mail address
- The form must:
 - Provide sufficient particulars to enable JET Education Services to identify the record/s requested and to identify the requester,
 - indicate which form of access is required,
 - specify a postal address or fax number of the requester in the Republic,
 - identify the right that the requester is seeking to exercise or protect,
 - and provide an explanation of why the requested record is required for
 - the exercise or protection of that right,

If, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner,

- to state that manner and the necessary particulars to be informed in the other manner,

If the request is made on behalf of another person, to submit proof that

- the capacity in which the requester is making the request is to the reasonable satisfaction of the head of JET Education Services.



REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

Requests can be submitted either via conventional mail, email, or fax and should be addressed to the contact person indicated above

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____ **Telephone number:** _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed *ONLY* if a request *for information* is made on behalf of *another* person.

Full names and surname: _____

Identity number: _____



D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

1 Description of record or relevant part of the record: _____

2 Reference number, if available: _____

3 Any further particulars of record: _____

E. Fees

- (a) A request for access to a record, other *than* a record containing personal information about yourself, will be processed only after a 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.

(b) The “request fee” payable by a requester, other than a personal requester, referred to in section 54(1) of the Act, is R50.

(c) The “fees for reproduction” referred to in section 52(3) and “access fees” payable by a requester referred to in section 54(7), unless exempted under section 54(8) of the Act, are as follows:

- (i) for every photocopy of an A4-size page or part thereof, R1 - R10.
- (ii) for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form, R0 - R75
- (iii) for a copy in a computer-readable form on:
 - 1. stiffy disc, R7 - R50 (ii) compact disc R70
 - 2. for a transcription of visual images, for an A4-size page or part thereof R40
 - 3. for a copy of visual images, R60
- (iv) for transcription of an audio record, for an A4-size page or part thereof, R20



(v) for a copy of an audio record, R30

(vi) To search for the record for disclosure, R30 for each hour or part of an hour reasonably required for such search. The actual postal fee is payable when a copy of a record must be posted to a requester.

(d) Exemptions from paying “access fees”: Person or persons exempted from paying access fees:-

- (i) A single person whose annual income does not exceed R14,712.00; or
- (ii) Married persons or a person and his/her life partner.

Reason for exemption from payment of fees:

F. Records and information that should be formally requested in terms of PAIA

The following information should be formally requested by using the request procedure stipulated in the paragraph below:

- Compliance and regulatory records
- Legislative and policy framework records
- Corporate governance records
- Information technology records
- Financial management records
- Human resources management records
- Project management records
- Communications records

G. Requests for information with sensitive classification?

How will requests for sensitive information be handled? The Knowledge Officer will evaluate the request within the statutory and regulatory frameworks and respond to the request accordingly to the requestor.

How long must a requester wait before receiving the information requested?

The Knowledge Officer is required to take a decision on the request within 30 days of receipt of the request, failing which the request is deemed to have been refused. The Knowledge Officer may extend the period for taking a decision to 60 days under the following circumstances:



- (i) If the request is for large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the business;
- (ii) If the requested records are not situated in the same town or city as the offices that the request cannot reasonably be completed within 30 days;
- (iii) Where consultation among the divisions of the business or with another entity is necessary or desirable to decide upon the request and which consultation cannot be reasonably completed within 30 days;
- (iv) Where more than one of the circumstances contemplated in paragraphs I, II, and III above exist in respect of the request making compliance with the 30- day period not reasonably possible; or
- (v) If the requester consents in writing to the extension. Should the 30-day period be extended, the Knowledge Officer will notify the requester of the extension as well as provide the requester with the reasons for the extension.

H. Under which circumstances will the request for access to information be refused?

Access to a record is refused on one or more grounds of refusal specified in PAIA, which fall into the following categories: –

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of certain records;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information and protection of certain other confidential information of a third party;
- Mandatory protection of safety of individuals and protection of property;
- Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings;
- Mandatory protection of records privileged from production in legal proceedings;
- Economic interests and financial welfare of the Republic and commercial activities of public bodies;
- Mandatory protection of research information of a third party and protection of research information of a public body;
- Operations of public bodies; and
- Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources.

What can a requester do if the request for information is refused?

Should the requester not be satisfied with the decision of the Knowledge Officer, the requester may apply to court for relief. The said application must be made within 180 days after the decision has been made by the Knowledge Officer. On hearing such an application, the court may grant a just and equitable order including:

- Confirming, amending or setting aside the decision that is the subject of the application;
- Requiring the Knowledge Officer to take some action or to refrain from taking such action as the court considers necessary within the period mentioned in the order;
- Granting an interdict, interim or specific relief, a declaratory order or compensation; or
- Costs. Such an application may be made at the Magistrates Court.

What if the request is successful?

The requester will be given access to a record if all procedural requirements have been complied with according to PAIA requirements, that is –



- The request is properly documented on the prescribed form;
- Proof of authority to act on another's behalf is furnished, if making the request on another person's behalf;
- The record that is requested is sufficiently described to enable the Deputy Knowledge Officer to identify it; and
- Payment of all required fees.

I. Form of access to record

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

Disability:		Form in which record is required	
Mark the appropriate box with an X.			
NOTES:			
(a) Compliance with your request in the specified form may depend on the form in which the record is available.			
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.			
(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.			
1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form*(stiffy or compact disc)
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.			<input type="checkbox"/> YES <input type="checkbox"/> NO



J. 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. The requester must sign all the additional folios.

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

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

K. 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, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

Signed at _____ This _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

