



basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

Department of Basic Education

PAIA AND POPIA MANUAL

In terms of

Section 14 of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000) (PAIA)

and

To address the requirements of the Protection of Personal
Information Act, 2013 (Act No. 4 of 2013) (POPIA)

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1. Introduction

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA), which flows from section 32 of the Constitution of the Republic of South Africa, 1996, (the Constitution) gives effect to the constitutional right of access to any information held by the state and any information held by any other person, provided that such information is required for the exercise or protection of any rights.

Section 32(1)(a) of the Constitution entrenches every person's right to gain access to any information held by the state.

The purpose of the PAIA is twofold:

1. To foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information; and
2. to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect all of their rights more fully.

Before 27 April 1994, the system of government in the country resulted in a secretive, unresponsive culture in public and private bodies, which often led to abuse of power and to human rights violations.

The PAIA came into effect on 9 March 2001.

2. Vision, mission and values of the Department of Basic Education (DBE)

Vision

Our vision is of a South Africa in which all our people will have access to lifelong learning, education and training opportunities which will, in turn, contribute towards improving the quality of life and the building of a peaceful, prosperous and democratic South Africa.

Mission

Working together with provinces, our mission is to provide relevant and cutting edge quality education for the 21st century.

Values

Placing the interest of our children first, the Department adheres to the following values:

- **People:** Upholding the Constitution, being accountable to the government and the people of South Africa.
- **Excellence:** Maintaining high standards of performance and professionalism by aiming for excellence in everything we do, including being fair, ethical and trustworthy in all that we do.
- **Teamwork:** Cooperating with one another and with our partners in education in an open and supportive way to achieve shared goals.

- **Learning:** Creating a learning organisation in which staff members seek and share knowledge and information, while committing themselves to personal growth.
- **Innovation:** Striving to address the training needs for high-quality service and seeking ways to achieve our goals.

3. Functions and structure of the DBE

3.1. Functions of the DBE

The core functions of the DBE as an organ of state are to develop and maintain the education system. The DBE is therefore responsible for developing the policy and legislative framework on which the education system rests, in order to ensure –

- (1) that all levels of the system adhere to these policies and laws;
- (2) that mechanisms are in place to monitor and enhance quality in the system; and
- (3) that the system keeps up to date with developments in education systems.

3.2. Activities that frame the functions

(1) RESEARCH AND POLICY REVIEW

The DBE initiates, commissions, evaluates, reviews and researches all aspects of the education system to assist in developing and maintaining the system.

(2) PLANNING AND POLICY DEVELOPMENT

The DBE initiates and manages processes that lead to the development of policy and legislation to assist the Minister in determining policy, norms and standards as required by the Constitution.

(3) SUPPORT

The DBE provides support to provinces in their implementation of national policy, norms and standards.

(4) MONITORING AND EVALUATION

The DBE monitors and reports on the implementation of policy, norms and standards to assess their impact on the quality of the education process, and to identify policy gaps.

(5) LEGISLATIVE AND OTHER MANDATES

A number of policies have been implemented, and legislation has been promulgated, to create a framework for transformation in education. The following key policies and legislation regulate education (apart from the Constitution, all of the items listed below originated from the DBE):

- (a) The Constitution requires education to be transformed and democratised in accordance with the values of human dignity, equality, human rights and freedom, non-racism and non-sexism. It guarantees access to basic education for all: “everyone has the right to basic education, including adult basic education”.

- (b) The fundamental policy framework of the Ministry of Basic Education is stated in the Ministry's first White Paper, *Education and Training in a Democratic South Africa: First Steps to Develop a New System* (February 1995). The 1994 education policy framework of the ANC forms the basis of this document. Cabinet approved it after extensive consultation, negotiation and revision. It has since served as a fundamental reference for policy and legislative development.
- (c) The National Education Policy Act, 1996 (Act No. 27 of 1996) (NEPA), was designed to inscribe in law policies, as well as the legislative and monitoring responsibilities of the Minister of Basic Education, and to formalise relations between national and provincial authorities. It laid the foundation for the establishment of the Council of Education Ministers (CEM) and the Heads of Education Departments Committee (HEDCOM) as inter-governmental forums aimed at collaborating in developing a new education system. As such, it provides for the formulation of national policies in general and further education and training in regard to, inter alia, curriculum, assessment and language.
- (d) The South African Schools Act, 1996 (Act No. 84 of 1996) (SASA), promotes access, quality and democratic governance in the schooling system. It ensures that all learners have access to quality education without discrimination, and it makes schooling compulsory for children aged seven to 15. It provides for independent schools and public schools. It makes provision for democratic school governing bodies (SGBs), and SGBs are now in place in public schools countrywide. The school funding norms, outlined in SASA, prioritise redress and target poverty with regard to the allocation of funds for the public school system.
- (e) A whole spectrum of legislation, including the Employment of Educators Act, 1998 (Act No. 76 of 1998), regulates the professional, moral and ethical responsibilities of educators and the competency requirements applicable to educators. The historically divided teaching force is now governed by one Act of Parliament and one professional council, the South African Council for Educators (SACE).
- (f) CAPS (the Curriculum Assessment Policy Statements) is a single, comprehensive and concise curriculum which represents a policy statement for learning and teaching in South African schools. It is a curriculum that underpins the various programmes followed in each grade, from Grade R to Grade 12, and that is, in its turn, underpinned by the following principles:
 - (i) Social transformation;
 - (ii) active and critical thinking;
 - (iii) high knowledge and high skills;
 - (iv) progression;
 - (v) respect for human rights and indigenous knowledge systems;
 - (vi) credibility;
 - (vii) quality and efficiency; and
 - (viii) the provision of an education that, in quality, breadth and depth, is comparable to the education provided in other countries.

3.3. Structure of the DBE

The DBE is divided into sections referred to as "Branches". Each branch, headed by a deputy director-general, is further subdivided into chief directorates. The chief directorates

are also subdivided into a number of directorates, which, in turn, are subdivided into subdirectorates. The DBE also has one section that is called a unit, not a branch.

The Department comprises of eight branches, as indicated below:

3.3.1. Branch A: Finance and Administration

Provides administrative support to the DBE.

FUNCTIONS:

- (a) Providing personnel recruitment and human resource services.
- (b) Providing HR support to provinces.
- (c) Providing a variety of services to the office of the Minister.
- (d) Providing legal and legislative services.
- (e) Taking care of staff training and staff relations.
- (f) Dealing with labour relations matters.
- (g) Providing Information Technology support through the GITO.
- (h) Providing logistical services.
- (i) Providing financial services through the office of the Chief Financial Officer.

3.3.2. Branch C: Curriculum Policy, Support and Monitoring

Develops curriculum and assessment policy and support, and monitors and evaluates curriculum implementation. Supported by Umalusi.

FUNCTIONS:

- (a) Developing curriculum policy for Grades R to 12, including Special Needs Education.
- (b) Implementing policy and maintaining the curriculum for Grades R to 12, including Special Needs Education, to improve learning and teaching.
- (c) Providing policy support for a variety of projects, including Foundations for Learning, Dinaledi, ICTs, NSLA and QIDS UP.
- (d) Running the Kha Ri Gude Literacy Project.

3.3.3. Planning and Delivery Oversight Unit

Assists the Ministry and the DBE to meet strategic objectives.

FUNCTIONS:

- (a) Assisting the Ministry and the DBE to meet strategic objectives by identifying and addressing selected areas of challenge.
- (b) Leading and managing a high-level specialist team to address selected challenges so as to bring about effective education delivery.
- (c) Strengthening the participation of stakeholders in the improvement of the quality of education outcomes through the establishment of functional QLTC structures at all levels of the system.

3.3.4. Branch P: Planning, Information and Assessments

Promotes quality and effective service delivery in the basic education system through planning implementation and assessment. Supported by NEEDU.

FUNCTIONS:

- (a) Conducting monitoring and evaluation through research, systemic assessments, national assessments, international assessments and national examinations.
- (b) Managing the basic education sector's financial and physical resource planning.
- (c) Managing the basic education sector's information management systems.

3.3.5. Branch S: Social Mobilisation and Support Services

Mobilises all sectors of society in support of basic education and facilitates the provision of enrichment programmes for the holistic development and well-being of all learners.

FUNCTIONS:

- (a) Promoting public-private partnerships, as well as partnerships with NGOs, to ensure that society plays a role in implementing quality education in all public schools.
- (b) Promoting school attendance and achievement among vulnerable learners by providing them with nutritious meals on each school day.
- (c) Creating safe teaching and learning environments at all public schools.
- (d) Contributing to learner retention by increasing the number of schools participating in well-organised school sport activities and music education programmes.
- (e) Facilitating the early identification and treatment of health barriers to learning.
- (f) Improving learner performance and retention by supporting school governing bodies and teacher training programmes to promote human rights, diversity and social cohesion, thereby facilitating education excellence and a reduction in the number of school dropouts.
- (g) Improving gender equity in schools.
- (h) Increasing sexual and reproductive health knowledge, skills and decision-making among learners, educators and school support staff.
- (i) Promoting psychosocial well-being and facilitating access to psychosocial services for schools.
- (j) Mobilising communities and all community stakeholders to support the attainment of quality education.

3.3.6. Branch R: Strategy, Research and Communication

Supports coordination and implementation of departmental, sector-wide and cluster programmes of action.

FUNCTIONS:

- (a) Overseeing the implementation of departmental programmes and initiatives.
- (b) Managing coordination with the DG Clusters, Parliament and Cabinet.
- (c) Carrying out strategic planning and reporting relating to Government's programme of action.
- (d) Coordinating services for the Minister, Parliament, CEM, HEDCOM, Senior Management and Broad Management.
- (e) Managing, monitoring and reporting on donor and grant funding.
- (f) Monitoring and reporting on the overall performance of the education system through analytical, research, monitoring and evaluation activities.

3.3.7. Branch T: Teachers, Education Human Resources and Institutional Development

Promotes quality teaching and institutional performance through effective supply, development and utilisation of human resources in collaboration with the ETDP SETA, the ELRC and SACE.

FUNCTIONS:

- (a) Dealing with human resource planning, including HRMIS and HR Management.
- (b) Managing post provisioning for the country's schools.
- (c) Managing teacher recruitment, placement, deployment and utilisation including Funza Lushaka.
- (d) Supporting teachers by means of Continuing Professional Teacher Development and School Management Development.
- (e) Monitoring and supporting Educator Performance Management and school evaluations.
- (f) Managing and facilitating the provision of sectoral collective bargaining

3.3.8. NEEDU

The mission of the National Education Evaluation and Development Unit is to facilitate school improvement through systemic evaluation. It will do this by, amongst others, identifying factors that inhibit school improvement and that advance school improvement.

It will also evaluate how the DBE and the PDEs monitor schools; how the DBE and the PDEs support schools; and the quality of leadership, teaching and learning in schools.

It will also make proposals for improving school quality and will publish reports on the state of the education system.

The legislation relating to the NEEDU is currently being processed. Once the process has been finalised and the NEEDU becomes a fully-fledged statutory body, it will no longer appear on the DBE's organogram.

4. Contact details of the DBE

Information Officer

Mr HM Mveli, Director-General

Mveli.M@dbe.gov.za

Deputy Information Officer

Adv. Shalili D Misser, Chief Director: Legal and Legislative Services

Misser.S@dbe.gov.za

General contact information

Physical address

Sol Plaatje House
222 Struben Street
Pretoria
0001

Postal address

Private Bag X895
Pretoria
0001

Telephone: +27 12 357 3000

Website: <https://www.education.gov.za>

5. Guide on how to use the Act

In terms of section 10 of the PAIA, the SAHRC is required to compile a guide, in each of the official languages, containing such information, in an easily comprehensible form, as may be required by a person who wishes to exercise his or her rights in terms of the PAIA. As indicated above, the guide will assist an individual who wishes to exercise a right in terms of the PAIA, whereas the purpose of the Manual is to assist an individual who wishes to obtain access to information that is held by a public body in an efficient and effective manner. The guide on how to use the PAIA is available from the SAHRC. Queries can be made to the SAHRC at:

The South African Human Rights Commission: PAIA Unit
Research and Documentation Department

Postal address:

Private Bag 2700
Houghton
2041

Telephone: +27 11 877 3600

Fax: +27 11 484 1360

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

6. Access to records held by the DBE

6.1. Automatic disclosure

The DBE annually publishes in the *Government Gazette* a list of the categories of records that are automatically available (i.e., records that can be obtained without the need to follow the PAIA request process), as section 15(2) of the Act requires. A variety of records, reports and documents can be accessed on the DBE's website (<https://www.education.gov.za>).

6.2. Description of Records and Categories of Records Held by DBE

(1) RECORDS HELD BY **BRANCH A: THE PERSONNEL SECTION:**

- (a) Human Resource Planning, Employment and Performance Management
- (b) Human Resource Development
- (c) Transformation and Workplace Environment Management
- (d) Organisational Development, Job Grading and Macro Organisation of the State
- (e) Remuneration, Employment Conditions and Human Resource Systems
- (f) Negotiations, Labour Relations and Dispute Management

(2) RECORDS HELD BY **BRANCH A: THE FINANCE SECTION:**

- (a) Estimates of national expenditure (the budget as tabled in Parliament annually by the Minister of Finance) and the budget of the DBE. Obtainable from the Communication Directorate, National Treasury, Private Bag X115, Pretoria 0001, tel. 012 315 5948. It is also available on www.treasury.gov.za.
- (b) The annual report of the DBE: This includes the financial statements of the DBE and the audit report on these statements, as well as the management report.
- (c) General: Other and more detailed financial information, such as expenditure in respect of a specific project.

(3) RECORDS HELD BY **BRANCH A: GENERAL REGISTRY:**

GENERAL REGISTRY is the custodian of all general records created and received by the DBE (correspondence and documents), keeps all files in a filing system classified according to activities in the DBE. Each of the existing 15 main series has a Policy and Routine Enquiries file. The filing system at present consists of 15 main series, but this number may increase as the DBE grows. The following records are kept by the general registry:

- (a) Legislation
- (b) Legal matters
- (c) Organisation and control
- (d) Financial management
- (e) Internal audit and external auditing
- (f) Personnel administration and development
- (g) Corporate Services
- (h) Information technology and information services
- (i) Communication, coordination and marketing
- (j) National/provincial coordination and international relations
- (k) Curriculum implementation and monitoring
- (l) Quality enhancement
- (m) Teacher education, HR and institutional development
- (n) Planning, assessment, monitoring and evaluation
- (o) Social responsibility and auxiliary services

(4) RECORDS HELD BY **BRANCH A: THE LEGAL AND LEGISLATIVE CHIEF DIRECTORATE:**

- (a) Legal agreements (Contracts, Memorandum of Understanding, Service Level Agreements and International Agreements)
- (b) Litigation records
- (c) Legislation administered by the DBE (primary and secondary)
- (d) PAIA records

(5) RECORDS HELD BY **BRANCH P: THE EXAMINATIONS AND ASSESSMENT DIRECTORATE**

- (a) Policies, regulations and guidelines relating to examinations.
- (b) Nationally set question papers for the SC and NSC (current year and past years).
- (c) Examination candidate information – information of candidates who will be writing the current exam.
- (d) Marks attained by learners in the current examination and in previous examinations, per subject, per paper.
- (e) Final examination results of all candidates; these results include the raw marks as well as the adjusted marks.
- (f) Certification data, including data on all candidates certified in the SC and NSC examinations (current and extending as far back as 1920 for former education departments).
- (g) General examination statistics relating to performance of learners at national, provincial, district and school level.
- (h) Reports on the monitoring of the examination systems and process in the PEDs.
- (i) Technical Report on performance in the NSC examinations.

(6) RECORDS HELD BY **BRANCH P: THE NATIONAL ASSESSMENT DIRECTORATE**

- (a) Annual National Assessment (ANA) tests administered in grades 1 to 6 and 9 (in 2011 and 2012).
- (b) Assessment guidelines for ANA.
- (c) ANA results for 2011 and 2012 (national, provincial, district, school and learner).
- (d) ANA Technical Reports for 2011 and 2012.
- (e) Exemplar tests for grades 1 to 6 and 9 (in 2011 and 2012).
- (f) ANA - Guidelines for the interpretation and use of the ANA results.

(7) RECORDS HELD BY **BRANCH P: THE EDUCATION MANAGEMENT INFORMATION SYSTEMS**

- (a) EMIS provides education statistics for all South African schools (raw data on correct protocol) on the following:
 - (i) School general information: contact details;
 - (ii) School ICT information;
 - (iii) Learner enrolment categorised as follows;
 - by grade, gender, population group; provincial migration; citizenship, home language(HL); Language of Teaching and Learning (LOLT), subject taken
 - Enrolment of disabled learners;
 - Learners repeating a grade;
 - Learner promotion;
 - Learners receiving grants;
 - Learner mortality;
 - Learners whose parents are deceased;
 - Learner performance per subject and grade;
- (b) Updated Master-List of schools in South Africa.
- (c) Facility for implementing surveys in schools. Modules added to the EMIS questionnaire or the South African School Administration and Management System.
- (d) Spatial analysis reports and maps.
- (e) National Education Policy and Standards for –
 - (i) Dictionary of Education;
 - (ii) Data Quality Standards;
 - (iii) Data Coding Standards;
 - (iv) Data Verification Standards;
 - (v) Statistical Publication Standards; and
 - (vi) Standards for the Master List of Institutions Providing Basic Education Services.

(8) RECORDS HELD BY **BRANCH P: THE PHYSICAL PLANNING DIRECTORATE**

- (a) NEIMS file containing type and condition of infrastructure in schools.
- (b) EIG files containing information on the management and transfers of the grant.
- (c) Policy, Norms & Standards file containing information on Guidelines Relating to Planning for School Infrastructure and Boarding facilities.

(9) RECORDS HELD BY **BRANCH P: THE ASIDI PROJECT**

- (a) ASIDI IPMP contains the ASIDI plans.
- (b) Memoranda of Agreement signed with the implementing agents.
- (c) IPIP²⁶ contains the implementing agents plans
- (d) Progress Reports contain information on the progress made at each school, physically and financially.
- (e) Meeting minutes capture the proceedings of all the meeting held by the various ASIDI committees.
- (f) Closeout Reports capture details on all completed projects in terms of immovable infrastructure provided.

(10) RECORDS HELD BY **BRANCH P: THE PROVINCIAL BUDGET MONITORING DIRECTORATE**

- (a) Gazetted funding norms and standards.
- (b) Budget and monthly expenditure for the PEDs.
- (c) Data requested by UNESCO.

(11) RECORDS HELD BY **BRANCH T: THE INITIAL TEACHER EDUCATION, LABOUR RELATIONS AND HUMAN RESOURCE PLANNING, PROVISIONING AND MONITORING DIRECTORATES**

- (a) Policies and guidelines relating to the Funza Lushaka bursary Programme.
- (b) Lists of Funza Lushaka bursary awards
- (c) Collective Agreements concluded at the ELRC
- (d) Minutes of meetings of HR subcommittees.
- (e) Provincial monitoring reports on Educator Performance Management Systems, Skills Development and Whole School Evaluation.
- (f) The monthly PERSAL downloads containing data on personnel in the sector (DBE) and all nine (9) provincial Departments
- (g) The National Recruitment Database (NRD) containing data on qualified unemployed educators seeking employment in public schools.

(12) THE **DBE'S WEBSITE**, <https://www.education.gov.za> contains, amongst others, the following information that is automatically available (voluntarily disclosed):

- (a) Annual Performance Plan of the DBE
- (b) Any other literature intended for public viewing which may be published
- (c) Booklets
- (d) Brochures
- (e) Examination papers
- (f) Forms
- (g) In certain cases, training material that the Department provides during workshops
- (h) Information on the DBE's programmes
- (i) Leaflets
- (j) Legislation published by the DBE
- (k) Marketing material
- (l) Media releases
- (m) National Curriculum Statements and other curriculum-related material
- (n) News articles

- (o) Pamphlets
- (p) Posters
- (q) Reports, including annual reports
- (r) Speeches
- (s) Strategic Plan of the DBE

6.3. Request procedure

(1) GRANTING OR REFUSAL OF REQUEST

- (a) A requester must be given access to the record of a public body if –
 - (i) the requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
 - (ii) access to that record is not refused on any ground of refusal mentioned in the Act.

(2) HOW TO ACCESS A RECORD (INFORMATION)

- (a) A requester must use the Form A that has been printed in the *Government Gazette* [Government. Notice R187 of 15 February 2002]
- (b) The requester must indicate whether the request is for a copy of the record or whether he or she wants to come in and look at the record at the offices of the DBE. Alternatively, if the record is not a document, it can be viewed in the requested form, where possible.
- (c) If a requester asks for access in a particular form, he or she should be given access in the manner that has been asked for, unless doing so would interfere unreasonably with the running of the DBE, damage the record, or infringe a copyright not held by the state. If for practical reasons access cannot be given in the required form but can be given in an alternative manner, the fee must be calculated according to the way originally indicated in the requester's request.
- (d) If, in addition to a written reply to the request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated.
- (e) If a requester is asking for the information on behalf of somebody else, the capacity in which the requester is making the request must be indicated.
- (f) If a requester is unable to read or write, or has a disability, he or she can make the request for the record orally. The information officer or the deputy information officer must complete the form on behalf of such a requester and must give him or her a copy.
- (g) To gain access to information held by the DBE, a request must be submitted to the Director-General, Mr HM Mveli, at Mveli.H@dbe.gov.za.
- (h) Requests should be copied to the following persons:
Adv. Shalili D Misser, Deputy Information Officer at Misser.S@dbe.gov.za;

(3) FEES PAYABLE FOR A REQUEST AND NOTIFICATION OF DECISION ON ACCESS

- (a) There are two types of fees required to be paid in terms of the Act: the request fee, and the access fee.

- (b) A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Such a requester is called a personal requester. Every other requester must pay the required fee.
- (c) The information officer or the deputy information officer will notify the requester (other than a personal requester) of the amount to be levied for the request, and may require the requester to pay the prescribed fee before the request is processed.
- (d) The request fee payable to the DBE is R35. If the requester is unhappy about the fee, he or she may lodge an internal appeal to the DBE or an application to the court against the payment of the request fee.
- (e) After the information officer or the deputy information officer has made a decision on the request, the requester will be notified of such a decision in the way in which the requester has chosen to be notified.
- (f) If the request is granted, a further fee – the access fee – must be paid for the search for, and preparation or reproduction of, the record. If it takes, or will take, longer than an hour to complete these tasks, the DBE is allowed to levy, as part of the access fee, R15 for each hour spent on preparing the record.
- (g) The full list of prescribed fees to be paid when records are requested from a public body appears at Annexure A to this Manual.

7. Arrangement allowing for public involvement in the formulation of policy and exercise of power

The various laws in education prescribe that consultation must take place with identified persons or bodies. In some cases, the processes of consultation are also prescribed. In the DBE, draft policies are published in the *Government Gazette* for general comment from all role players and from the public at large. In the case of specific policy initiatives, policy will be discussed at meetings with role players or at public hearings. Notice of such meetings or hearings will always be given in advance.

8. Remedies available if the provisions of this Act are not complied with

The following procedures exist for persons to report or remedy alleged irregular, improper or unlawful official acts or omissions by the DBE or any of its employees

8.1. Remedies in respect of acts or failures to act in terms of the PAIA, 2000:

- (1) The internal appeal authority (relevant authority) for purposes of this Act is the Minister. A requester may lodge an appeal using Form B. After exhausting the internal appeal remedy, an application may be lodged with a court (sections 78 – 82).
- (2) A public service employee may lodge a grievance or complaint for investigation by the Public Service Commission concerning an official act or omission (section 35 of the Public Service Act, 1994 [Proclamation No. 103 of 1994]).
- (3) A person may use labour remedies regarding official acts or omissions of a labour nature – namely, disputes of rights (the Public Service Act, 1994, and the Labour Relations Act, 1995 [Act No. 66 of 1995]).
- (4) A person may lodge a complaint with a labour inspector concerning any alleged contravention of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997),

section 78(1)(a), or the Employment Equity Act, 1998 (Act No. 55 of 1998), section 34(e).

- (5) A person may lodge a complaint with the Public Protector concerning a suspected unlawful or improper official act or omission (the Constitution and the Public Protector Act, 1994 [Act No. 23 of 1994]).
- (6) A person may lodge a complaint with the SAHRC concerning an official act or omission that is suspected to constitute a violation of, or a threat to, any fundamental right (Human Rights Commission Act, 1994 [Act No. 54 of 1994]).
- (7) In order to be protected from reprisals because of a disclosure regarding unlawful or irregular conduct by the employer or a fellow employee, the person in question may follow the disclosure procedures set out in the Protected Disclosures Act, 2000 (Act No. 26 of 2000).
- (8) A person may use other legal remedies such as the institution of proceedings for the judicial review of an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

8.2. Other supportive remedies

- (1) A person may request reasons for an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (section 5).
- (2) A person may request access to records of a government department or other public body in terms of the PAIA, 2000 (section 11).

8.3. Duty to report

- (1) The Code of Conduct for Public Servants, published by the Public Service Commission, states that, if, in the course of his or her official duties, a public service employee encounters fraud, corruption, nepotism, maladministration or any other act which constitutes an offence or which is prejudicial to the public interest, he or she must report such matter to the appropriate authorities. An employee who fails to do so is guilty of misconduct.
- (2) The responsibility of every employer and employee to disclose criminal and any other irregular conduct in the workplace also underpins the Protected Disclosures Act, 2000 (Preamble).

9. Processing of Personal Information

Chapter 3 of the POPI Act provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in the POPI Act.

The responsible party must ensure that the conditions set out in Chapter 3 of the POPI Act and all the measures that give effect to such conditions, are complied with at the time of the determination of the purpose and means of the processing and during the processing itself.

The DBE at all times, in compliance with section 5 of the POPI Act ensures that the Personal Information of a Data Subject—

- (a) is processed lawfully, fairly and transparently;
- (b) is processed only for the purposes for which it was collected;

- (c) will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
- (d) is adequate, relevant and not excessive for the purposes for which it was collected;
- (e) is accurate and kept up to date;
- (f) will not be kept for longer than necessary;
- (g) is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, is subject to an appropriate level of security when stored, used and communicated by the DBE, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- (h) is processed in accordance with the rights of Data Subjects.

9.1. Purpose of Processing

Personal Information may only be processed for a specific purpose.

The DBE uses the Personal Information under its care in the following ways:

- Staff administration;
- Keeping of records of learners and educators;
- Keeping of records of suppliers and service providers;
- Keeping records of the basic education stakeholders;
- Complying with tax laws.

9.2. Categories of Data Subjects and of their Personal Information

The data the DBE has access to is extensive. Much of it is '**personal information**' in terms of the POPI Act. In particular, the 13-digit national identity number of learners and employees, as well as their names, gender, and date of birth can be found in the data. The provincial education departments need the personal information for operational purposes, and as the source of much of the DBE's data is the provincial departments, personal information is included.

In terms of the National Education Policy Act (NEPA), the use of data by the DBE is limited to monitoring and evaluating progress to comply with the Constitution and the national education policy. Data may either be gathered from EMIS or other suitable means, in co-operation with provincial departments of education. The use of educators' cell phone numbers must be limited.

The personal data the DBE has is required, importantly, for analytical purposes and for the fulfilment of the NEPA monitoring obligations. In particular, personal information is needed when different data sources must be linked. For example, if an analysis must be conducted of how well Grade 12 examination candidates performed in grades below Grade 12, then the Grade 12 examinations data must be linked to separate datasets covering lower grades.

It is often necessary to use multiple variables in linking data sources because one variable on its own will display limitations. For instance, the 13-digit identity number links most learners across the Grade 12 examinations and pre-Grade 12 datasets, but not all, as some identity numbers are missing. In this instance, the use of names and dates of birth can be used to fill the gap, but also to verify the accuracy of the national identity number.

Importantly, the monitoring work referred hereto never involves the revelation of personal information in the DBE reports which are produced as part of the process. The reports will only reflect statistics at an aggregate level relating to, for instance, drop-out rates.

<p>Administrative Employees</p>	<p>Names; contact details; physical and postal addresses; date of birth; ID number; next of kin personal information; spouse's personal information; Tax related information; nationality; gender; confidential correspondence; verification of applicant's information during recruitment process; verification of information relating to an employee doing business with the State general matters relating to employees which may include:</p> <p>General benefits; Pension; Medical aid; Payroll; Disciplinary action; and Training.</p>
<p>Learners</p>	<p>Names; contact details; physical and postal addresses; date of birth; ID number; next of kin personal information; nationality; gender; confidential correspondence</p>
<p>Educators</p>	<p>Names; contact details; physical and postal addresses; date of birth; ID number; Tax related information; next of kin personal information; spouse's personal information; nationality; gender; confidential correspondence; verification of applicant's information during recruitment process; verification of information relating to an employee doing business with the State; general matters relating to employees which may include:</p> <p>General benefits; Pension; Medical aid; Payroll;</p>

	Disciplinary action; and Training;
Stakeholders	Names; contact details; name of organisation; physical and postal addresses of organisation; confidential correspondence
Service Providers	Names; contact details; name of organisation; physical and postal addresses of organisation; confidential correspondence; Tax related information Verifying information and performing reference and other prescribed checks; purposes relating to the agreement or business relationship or prospective agreement or business relationship between the parties; payment of invoices; compliance with the Department's regulatory and other obligations.
Parents of Learners	Names; contact details; physical and postal addresses; ID number; Tax related information; spouse's personal information; Financial Information; nationality; gender; confidential correspondence

9.3. Categories of Recipients for Processing the Personal Information

The Department holds information on behalf of the State and therefore it does not provide personal information to any organisation or body other than to another State department or institution. Certain personal information may, however, be provided to the following recipients of personal information:

- (a) Regulatory authorities or ombudsmen and public entities where the DBE has a legal obligation to share information;
- (b) third parties to whom payments are made on behalf of the DBE and employees; and
- (c) institutions that are responsible for law enforcement.

9.4. Planned Trans border Flows of Personal Information

Section 72 of the POPI Act provides that Personal Information may only be transferred out of the Republic of South Africa if the—

- (a) recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as outlined in Chapter 3 of the POPI Act; or
- (b) Data Subject consents to the transfer of their Personal Information; or
- (c) transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- (d) transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- (e) the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

Presently, the DBE has no planned Trans border Flows of Personal Information.

9.5. Information Security Measures (section 19 of the POPI Act)

The DBE has secured the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent loss of, or damage to, or unauthorised destruction, unlawful access to, or processing of, personal information.

The DBE put in place security protocols to safeguard personal information from being unlawfully accessed. The Department envisages the enhancement of Information Security Measures as follows:

- (a) By ensuring that the correct classification of information is recorded since employee data will be classified as 'personal information' or 'special personal information';
- (b) ensuring that security protocols are enhanced to guard against unauthorised access to information by implementing computer and network security measures such as passwords, implementing firewalls, installing antivirus protection, ensuring data protection through data encryption and redaction of personal information, securing laptops and computers through passwords or biometrics and securing the Virtual Private Network (VPN);
- (c) protocols notifying employees or other persons when their personal information has been compromised, or when there is a breach of privacy in relation to the personal information concerned; and
- (d) by ensuring that stricter security protocols are adopted to restrict access by third parties, the office environment, computer network, system, application software, data or another resource.

9.6. Disclosure of Personal Information

The DBE may disclose personal information to other government departments, public entities and third party service providers of the DBE. The DBE may also disclose personal information where there is a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect the rights of the DBE.

The DBE is routinely involved in exercises where DBE data is linked to other government data for the purposes of verifying data quality and monitoring. For instance, the DBE and the South African Social Security Agency (SASSA) collaborate, using a variety of personal information fields, to determine if social grant recipients who are of school-going age are attending school. Linking, in collaboration with the Department of Higher Education (DHET), the records of learners previously enrolled in schools to those of students currently in post-school institutions is important for understanding flows between the two education levels.

10. Rights of Data Subjects

10.1. The right to access personal information (section 23 of the POPI Act)

The DBE acknowledges that a Data Subject has the right to establish whether the DBE holds personal information related to him, her or it, including the right to request access to personal information.

10.2. The right to have personal information corrected or deleted (section 24 of the POPI Act)

The Data Subject has a right to request, where necessary, that his, hers or its personal information must be corrected or deleted where the DBE is no longer authorised to retain the personal information.

10.3. The right to object to the processing of personal information

The Data Subject has a right, on reasonable grounds, to object to the processing of his, her or its personal information. In such circumstance, the DBE will give due consideration to the request and the requirements of the POPI Act.

10.4. The right to object to direct marketing

The Data Subject has the right to object to the processing of his, her or its personal information for processes of direct marketing by means of unsolicited electronic communications.

10.5. The right to be informed (section 18 and 22 of the POPI Act)

The Data Subject has the right to be notified that his, her or its personal information has been collected by the DBE. The Data Subject also has a right to be notified of any situation where the DBE has reasonable grounds to believe that the personal information of the Data Subject has been accessed or acquired by an unauthorised person.

10.6. The right to complain to the Information Regulator

The Data Subject has a right to submit a complaint to the Information Regulator regarding an alleged infringement of any of the rights protected under the POPI Act.

11. Updating of the manual

In terms of section 14(2) of PAIA, this Manual must, where necessary, be updated annually and must be made available as contemplated in section 14(2) of the PAIA, including posting it on the Department's official website at <https://www.education.gov.za> and making copies of the Manual available on request from the Information Officer, at the contact details provided in paragraph 4 above.

12. Availability of the manual

If additional copies of this manual are required, they may be obtained on the DBE's website.

Approved on this 25 day of June 2021.



MR HM MWELI
DIRECTOR-GENERAL/INFORMATION OFFICER
DEPARTMENT OF BASIC EDUCATION

ANNEXURE A

Prescribed fees

These fees are stipulated in Part II of Annexure A to the Regulations Regarding the Promotion of Access to Information (published under GN R187 in GG 23119 of 15 February 2002).

1. The **fee for a copy of the manual** as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.
2. Section 15(3) of the Act states: "The only fee payable (if any) for access to a record ... is a prescribed fee for reproduction." These **fees for reproduction** are as follows:
 - (a) For every photocopy of an A4-size page or part thereof: R0,60
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form: R0,40
 - (c) For a copy in a computer-readable form on—
 - (i) stiffer disc R5,00
 - (ii) compact disc R40,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R22,00
(iii) For a copy of visual images R60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00
(iii) For a copy of an audio record R17,00
3. The **request fee** payable by every requester, other than a Personal Requester, referred to in regulation 7(2) is R35,00
4. The **access fees** payable by a requester referred to in regulation 7(3) are as follows:
 - (1) (a) For every photocopy of an A4-size page or part thereof R0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,40
(c) For a copy in a computer-readable form on—
 - (i) stiffer disc R5,00
 - (ii) compact disc R40,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R22,00
(ii) For a copy of visual images R60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00
(ii) For a copy of an audio record R17,00
 - (f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
 - (2) For purposes of section 22(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
 - (3) The actual postage is payable when a copy of a record must be posted to a requester.



basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

**FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

[Published under GN R187 in GG 23119 of 15 February 2002, in terms of Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).]

FOR DEPARTMENTAL USE	Reference number: _____
Request received by _____ (name, surname and rank of information officer or deputy information officer) at _____ (place) ON _____ (date).	
Request fee (if any): R	
Deposit (if any): R	
Access fee: R	
_____ INFORMATION OFFICER OR DEPUTY INFORMATION OFFICER (signature)	

A. Particulars of public body

The Deputy Information Officer
Department of Basic Education
Private Bag X895
Pretoria
0001

Tel.: 012 357 3769/4151
Fax: 012 323 9430
Email: PAIA-DIO@dbe.gov.za

B. Particulars of person requesting access to the record

Notes
(a) *The particulars of the person who requests access to the record must be recorded below.*
(b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
(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:

Fax number:

Email address:

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

C. Particulars of person on whose behalf request is made

Note
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

Notes
(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

Notes
(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 therefor.

Reason for exemption from payment of fees:

F. Form of access to record

Note
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.

State your disability:
.....

Notes
(a) Your indication as to the required form of access depends on the form in which the record is available.
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate option below with an "X".

1. If record is in written or printed form –

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images –

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

	view the images		copy of the images*		transcription of the images*	
3. If record consists of recorded words or information that can be reproduced in sound –						
	listen to the soundtrack (audio cassette)				transcription of soundtrack* (written or printed document)	
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 record*		copy in computer readable form* (stiffy or compact disk)	
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.					YES	NO
In which language would you prefer the record?						
<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>						
G. Notice of decision regarding request for access						
<i>You will be notified in writing whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.</i>						
How would you prefer to be informed of the decision regarding your request for access to the record?						
.....						
Signed at (place) on this day of (month) (year)						
<hr/> SIGNATURE OF REQUESTER OR PERSON ON WHOSE BEHALF REQUEST IS MADE						



REPUBLIC OF SOUTH AFRICA

FORM B
NOTICE OF INTERNAL APPEAL
 (Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
 [Regulation 8]

A. Particulars of public body

The Information Officer or Deputy Information Officer
 Department of Basic Education
 Private Bag X895
 Pretoria
 0001

Tel.: 012 357 3769/4151
 Fax: 012 323 9430
 Email: PAIA-IO@dbe.gov.za; PAIA-DIO@dbe.gov.za

B. Particulars of the person who is lodging the internal appeal

If applicable, proof of the capacity in which the appeal is lodged must be attached.
 If the person lodging the appeal is not the requester (the person who originally requested the information), the particulars of the requester must be given at C below.

Full names and surname:

Identity number:

Postal address:

Telephone number: Fax number:

Email address:

Capacity in which appeal is lodged on behalf of another person:

C. Particulars of requester [To be completed ONLY if a third party, and not the requester, is lodging the appeal.]

Full names and surname:

Identity number:

D. Decision against which the appeal is lodged [Place an X alongside the appropriate option.]

	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.
	Decision to grant request for access.

E. (1) Please state the grounds on which the appeal is based. [If the provided space is inadequate, please continue on a separate page and attach it to this form. Each separate page must be signed.]

(2) Please state any other information that may be relevant when the appeal is considered.

F. Notice of decision on appeal [You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars.]

Manner: Telephone Email Fax

Particulars:

Signed at (place) on this day of (month) (year).

SIGNATURE OF APPELLANT