

GAUTENG PROVINCE
ECONOMIC DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

COMPILED IN COMPLIANCE WITH SECTION 14 OF THE

PROMOTION OF ACCESS TO INFORMATION ACT

(ACT NO. 2 OF 2000)

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1. ABBREVIATIONS AND DEFINITIONS

1.1 Abbreviations

DIO	Deputy Information Officer
GDED	Gauteng Department of Economic Development
IEDS	Integrated Economic Development Services
IO	Information Officer
IR	Information Regulator
HOD	Head of Department
MEC	Member of Executive Council
PAIA	Promotion of Access to Information Act, Act No. 2 of 2000
POPIA	Protection of Personal Information Act, Act No. 4 of 2013

1.2 Definitions

Access fee	Fee payable by a requester for search, preparation and reproduction of requested records, as prescribed in section 22(6) of the PAIA.
Data subject	Any identifiable, living, natural person, and where it is applicable, an existing, identifiable juristic person to whom or to which personal information relates
Deputy Information Officer (DIO)	A person designated by the Head of Department to render the public body as accessible as reasonably possible for requesters of its records as prescribed in section 17(1) of the PAIA.
Guide	The document updated and made available by the Information Regulator in terms of section 10 of the PAIA.
Information Officer (IO)	The Head of Department of the GDED as defined in section 1 of the PAIA.
Information Regulator (IR)	The independent body established in terms of section 39 of the POPIA, and who is empowered to monitor

	and enforce compliance by public and private bodies with the provisions of the PAIA and the POPIA.
Internal appeal	An appeal against a decision to refuse access to information, as stipulated in section 74 of the PAIA.
Personal information	<p>Information relating to an identifiable, living, natural person, and where it is applicable, to an existing, identifiable juristic person, including, but not necessarily limited to:</p> <ul style="list-style-type: none"> - information relating to race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; - information relating to education or medical, financial, criminal or employment history; or any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment applicable; - biometric information; - personal opinions, views or preferences; - correspondence that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; - information regarded as confidential business information; - the views or opinions of another individual about a person; and - a person's name if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

Personal requester	A person seeking access to information / records containing personal information about himself / herself as defined in section 1 of PAIA.
Protected records	Records that contain sensitive information and cannot be made accessible to the public as per the provisions of sections 33 to 45 of PAIA.
Public body	Any department of state or administration in the national or provincial sphere of government, any municipality in the local sphere of government or any institution performing a public function in terms of any legislation as defined in section 1 of PAIA; also referred to as government body or department.
Record	Any recorded information, in any form or medium under the custody of GDED as defined in section 1 of the PAIA.
Records automatically available	Records that can be accessed without a person having to request access in terms of the Act as stipulated in section 15(1) (a) of PAIA.
Records available on request	Records that can be accessed through following PAIA processes as stipulated in sections 11 and 18 of the PAIA; access to these records may be refused on the basis of sections 33 to 45 of the PAIA.
Request fee	A non-refundable fee payable by a requester when submitting a request for access as per the provisions of section 22(1) of the PAIA. (Personal requester is excluded from paying request fee).
Requester	Any person making a request for access to information or records of GDED or a person acting on behalf of the person requesting information as defined in section 1 of the PAIA.
Third party	Any person, including, but not limited to the government of a foreign state, an international organisation or an organ of that government or organisation other than the requester concerned and a

2. INTRODUCTION

- 2.1 The GDED is committed to the compliance with directives of the Constitution and national legislation such as the PAIA and POPIA. It endorses and is committed to the key principles of good governance, compliance management, transparency and accountability.
- 2.2 The PAIA gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights, and sets out the procedures attached to such request.
- 2.3 Section 9 of the PAIA however, recognises that such right to access to information is subject to certain justifiable limitations, for instance limitations aimed at:
- a) the reasonable protection of privacy;
 - b) commercial confidentiality; and
 - c) effective, efficient and good governance.
- 2.4 Section 14 of the PAIA obliges public bodies, such as the GDED, to compile a manual, which would assist requesters to request and obtain access to information held by the public body and stipulates the minimum requirements with which such manual has to comply.

3. PURPOSE OF THIS PAIA MANUAL

The purpose of this PAIA manual is to-

- 3.1 check the nature of the records which may already be available from the GDED, without the need for submitting a formal PAIA request;
- 3.2 have an understanding of how to make a request for access to a record of the GDED;

- 3.3 access all the relevant contact details of the persons who will assist requesters to access the relevant records that they wish to access;
- 3.4 know all the remedies available regarding request for access to the records, before approaching the IR or the Courts;
- 3.5 describe the services available to members of the public from the GDED and how to gain access to those services;
- 3.6 describe the Guide on how to use PAIA, as updated by the IR and how to obtain access to it;
- 3.7 where the GDED processes personal information, state the purpose of processing of personal information and the description of the categories of personal information and the natural or juristic persons to which it pertains;
- 3.8 know if the GDED has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.9 know whether the GDED has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. ESTABLISHMENT AND MANDATE OF THE GDED

The GDED is a provincial government department tasked and mandated with ensuring that the right environmental framework and initiatives are put in place to foster economic growth and job creation in Gauteng Province, with a targeted commitment to focus on enhancing inclusivity of the economy, while not neglecting to improve its competitiveness.

4.1 Vision of the GDED

The GDED's vision is a radically transformed, modernised and reindustrialised economy in the Gauteng Province, in order to build a seamlessly integrated,

socially cohesive, economically inclusive city region, leading economy on the African continent with smart, innovation driven, knowledge based and sustainable industries.

A radically transformed, modernised and re-industrialised economy in Gauteng, manifesting decent work, economic inclusion and equity.

4.2 Mission of the GDED

The mission of the GDED, in pursuit of its vision, is to:

- a) Ensure radical transformation, modernisation and re-industrialisation of the Gauteng Province's economy;
- b) Provide an enabling policy and legislative environment for equitable economic growth and development;
- c) Develop and implement programmes and projects that will:
 - (i) Revitalise the Gauteng Province's township economies;
 - (ii) Build new, smart, green, knowledge-based economies and industries;
 - (iii) Ensure decent employment and inclusion in key economic sectors;
 - (iv) Facilitate radical economic transformation, modernisation and re-industrialisation;
 - (v) Include the marginalised sectors of women, youth and persons with disabilities in mainstream economic activities;
 - (vi) Establish appropriate partnerships for delivery; and
 - (vii) Ensure the GDED effectively and efficiently delivers on its mandate.

4.3 Value statement

The values of the GDED, informed by its vision and mission, are to:

- (i) Serve as a centre of excellence in leading radical economic transformation, modernisation and re-industrialisation of the Gauteng Province's economy;
- (ii) Provide ethical, consultative and people-focused services;
- (iii) Facilitate equity, redress and access to economic opportunities and decent employment;
- (iv) Ensure that Gauteng's economic profile reflects its demographic profile;
- (v) Practice transparent, participatory and good governance at an internal level;
- (vi) Foster high levels of professionalism, innovation, effectiveness, efficiency and the practice of Batho Pele Principles amongst the employees of the GDED and all its implementation agencies.

The mission of the GDED in pursuit of its vision is to:

- Provide an enabling policy and legislative environment for equitable economic growth and development.
- Develop and implement programmes and projects that will:
- Revitalise Gauteng's township and solidarity economies;
- Build new smart, green knowledge-based economy and industries;
- Facilitate the inclusion in key economic sectors;
- Integrate and empower marginalised groups into the mainstream economy activities; and

- Promote and facilitate transformative partnerships for effective delivery of the mandate.

5. CORE FUNCTIONS OF THE GDED

The GDED is tasked with ensuring that the right environmental framework and initiatives are put in place to foster economic growth and job creation in the province, and thereby push back the boundaries of poverty. The core functions of the GDED are modelled around five core programmes which are:

Programme 1:	
Administration	<p>The core function of this programme is to provide strategic leadership, support and transversal business solutions to enable the MEC, HOD and GDED to effectively deliver on the mandate of the Department.</p> <p>The programme is divided into the following sub-programmes:</p> <ul style="list-style-type: none"> • Office of the MEC; • Office of the HoD; • Strategic Planning, Monitoring and Evaluation; • Office of the Chief Financial Officer; and • Corporate Management.
Programme 2:	
Integrated Economic Development Services (IEDS)	<p>The programme's core function is to ensure radical economic transformation that addresses the triple policy imperatives of job creation, an inclusive economy and equity. The programme is divided into the following sub-programmes:</p> <ul style="list-style-type: none"> • IEDS Management Office; • Enterprise Development; and • Regional and Local Economic Development.

Programme 3:	
Trade and Industry Development	<p>The programme's core function is to ensure economic transformation that goes towards fulfilling the mandate of the Department to create decent work, an inclusive economy and equity. The programme is divided into the following sub-programmes:</p> <ul style="list-style-type: none"> • Trade and Investment Promotion; and • Sector Development.
Programme 4:	
Business Regulation and Governance	<p>The core function of the programme is to create a seamless business regulation and good governance environment that promotes ethical conduct, transforms industry and realises sustainable revenue generation. The programme is divided into the following sub-programmes:</p> <ul style="list-style-type: none"> • Governance; • Intergovernmental Relations and Strategic Partnerships; • Consumer Protection; • Liquor Regulation; and • Gambling and Betting.
Programme 5:	
Economic Planning	<p>The purpose of this programme is to provide thought leadership to transform and re-industrialise</p>

	<p>the economy of the Gauteng City Region through policy and strategy development.</p> <p>The programme is divided into the following sub-programmes:</p> <ul style="list-style-type: none"> • Policy and Planning; • Research and Development; • Sector and Industry Development; • Economic Infrastructure Development; and • Inclusive Economy.
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6. ORGANISATIONAL STRUCTURE

The GDED has a Head Office that is situated in Johannesburg and has Consumer and Liquor Regional Offices that are situated across the Gauteng Province. The GDED is made up of the Office of the MEC and the Office of the Head of Department, which consists of three branches. An organogram is attached hereto as **Annexure “A”**.

7. PUBLIC ENTITIES THAT REPORT TO THE MEC

PUBLIC ENTITY	ADDRESS
Gauteng Enterprise Propeller	124 Main Street Johannesburg
Gauteng Gambling Board	125 Corlett Drive Bramley, Johannesburg
Gauteng Growth and Development Agency	124 Main Street Johannesburg
Gauteng Tourism Authority	124 Main Street Johannesburg
Dinokeng and Cradle of Humankind World Heritage Site	124 Main Street Johannesburg
Gauteng Liquor Board	124 Main Street Johannesburg

8. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE GDED

8.1 The HOD is the IO of the GDED in terms of section 1 of the PAIA.

INFORMATION OFFICER

Blake Mosley-Lefatola
Head of the Department
Private Bag X091
Marshalltown
2107
Tel No.: 011 355 8111
blake.mosley-lefatola@gauteng.gov.za

DEPUTY INFORMATION OFFICER

Mrs Lolah Nkosi
Legal Advisory Services
Private Bag X091
Marshalltown
2107
Tel No.: 011 355 8030
lolah.nkosi@gauteng.gov.za

9. GENERAL CONTACT DETAILS OF THE GDED

Physical address : Umnotho House
56 Eloff Street
Johannesburg
2000

Postal address : Department of Economic Development
Private Bag X 091
Marshalltown
2107

Telephone No. : 011 355 8000

Website : www.gauteng.gov.za

10. SECTION 10 GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

10.1 The IR has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

10.2 The Guide is available in each of the official languages.

10.3 The Guide contains the description of-

10.3.1 the objects of PAIA and POPIA;

10.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-

10.3.3 the IO of every public body, and

10.3.4 every DIO of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;

10.3.5 the manner and form of a request for-

10.3.5.1 access to a record of a public body contemplated in section 11 of the PAIA; and

10.3.5.2 access to a record of a private body contemplated in section 50 of the ePAIA;

10.3.6 the assistance available from the IO of a public body in terms of PAIA and POPIA;

10.3.7 the assistance available from the IR in terms of PAIA and POPIA;

10.3.8 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

10.3.8.1 an internal appeal;

10.3.8.2 a complaint to the IR; and

10.3.8.3 an application with a court against a decision by the IO of a public body, a decision on internal appeal or a decision by the IR or a decision of the head of a private body;

10.3.9 the provisions of sections 14 and 51 of the PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

10.3.10 the provisions of sections 15 and 52 of the PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

10.3.11 the notices issued in terms of sections 22 and 54 of the PAIA regarding fees to be paid in relation to requests for access; and

10.3.12 the regulations made in terms of section 92 of the PAIA.

10.4 Members of the public can inspect or make copies of the Guide from the offices of the GDED or the office of the IR, during normal working hours. The Guide can also be obtained-

10.4.1 upon request to the DIO;

10.4.2 from the website of the IR at <https://www.justice.gov.za/inforeg/> or e-mail address enquiries@inforegulator.org.za.

11. DESCRIPTION OF THE SUBJECTS ON WHICH THE GDED HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE GDED

Subjects on which the GDED holds records	Categories of records held on each subject
Strategic Documents	Annual Reports / Annual Performance Plans
Human Resources	<ul style="list-style-type: none"> - Various policies and procedures; - Record of positions advertised; - Employee records; - Skills development and training; - Employment Equity Plan and relevant statistics
Finance	<ul style="list-style-type: none"> - Various policies and procedures; - Financial books and records, asset registers; - Audit records.
Supply Chain Management	<ul style="list-style-type: none"> - Policy and procedures; - Records of accredited product and service providers; - Tender/bid documents; - Records of procurement/award of bids
Governance	<ul style="list-style-type: none"> - Records of applicable legislation Internal departmental frameworks; - Various governance policies; - Agendas and minutes of departmental meetings; - Departmental reports; - Publications.

12. AUTOMATICALLY AVAILABLE RECORDS IN TERMS OF SECTION 15 (1)(E)

12.1 The records listed in **Annexure “B”** attached hereto are automatically available without a person having to request access thereto in terms of the PAIA.

12.2 The records listed in **Annexure “B”** may be obtained at the offices of the GDED at Umnotho House, 56 Eloff Street, Johannesburg. Where there are sufficient copies available, the records may be obtained free of charge whereafter a reproduction fee is payable. Some of these records are also available free of charge for downloading from the GDED’s website at www.gauteng.gov.za.

13. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE GDED AND HOW TO GAIN ACCESS TO THOSE SERVICES

SERVICES AVAILABLE	HOW TO GAIN ACCESS TO THOSE SERVICES
<p>1. Gauteng Liquor Board</p> <ul style="list-style-type: none"> - Apply for a liquor licence / an occasional permit/ temporary liquor licence or a liquor licence renewal. - Apply for a transfer of a liquor licence - Apply for alterations and extensions to licenced premises 	<p>Lodge an application with the Gauteng Liquor Board</p> <p>For more information, click here: https://www.gauteng.gov.za/Departments/CPM-001003/Services</p>
<p>2. Gauteng Office of Consumer Affairs (GOCA)</p> <ul style="list-style-type: none"> - Lodge a consumer related complaint 	<p>Lodge an application with the Gauteng Office of Consumer Affairs (GOCA)</p> <p>For more information, click here: https://www.gauteng.gov.za/Departments/CPM-001003/Services</p>
<p>3. Economic Research and Planning</p>	<p>Obtain information about GDED Economic Research and Planning by visiting the office in person at 56 Eloff Street, Johannesburg or call the office on 0113558000</p>

	For more information, click here: https://www.gauteng.gov.za/Departments/CPM-001003/Services
4. Citizens can obtain information regarding socio-economic and economic empowerment opportunities.	Citizens can make contact with GDED by visiting the office in person at 56 Eloff Street, Johannesburg or call the office on 0113558000 For more information, click here: https://www.gauteng.gov.za/Departments/CPM-001003/Services
5. Subscribe to the Department of Economic Development Announcements	For more information, click here: https://www.gauteng.gov.za/Departments/CPM-001003/Services
6. Subscribe to Department of Economic Development News	For more information, click here: https://www.gauteng.gov.za/Departments/CPM-001003/Services
7. Subscribe to Department of Economic Development Warnings	For more information, click here: https://www.gauteng.gov.za/Departments/CPM-001003/Services

14. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE GDED

Members of the public are from time to time invited to participate in or comment on the development or amendment of Policy, Legislation, Regulations and Guidelines published by the GDED.

Our approach to public participation encompasses the following:

- public meetings and consultation sessions with stakeholders, community groups, industry representatives and concerned individuals.
- proposed policy and legislative changes are published in the provincial gazette to allow for public review and comment.

The inputs and submissions of members of the public are considered intensively during the formulation of said Legislation, Regulations and Guidelines.

15. WHO MAY REQUEST INFORMATION

15.1 Any person may request information.

15.2 Personal requesters request information about themselves.

15.3 Requesters request information on behalf of another person. (A requester that is acting on behalf of someone else must produce a letter of authority to do so.

16. INFORMAL REQUESTS: REQUEST PROCESS

16.1 Telephonic requests

The GDED accepts telephonic requests for information. Any such request made to the DIO or the Legal Advisory Services Unit at the telephone numbers provided in par. 8 above, will be attended to by officials in the Legal Advisory Services Unit, who will complete the prescribed Form 2: *Request for Access to Record of Public Body* ("**Annexure C1**") on behalf of the requester and furnish them with a copy thereof.

16.2 Oral requests

If a requester is unable to complete the prescribed *Request for Access to Record of Public Body*, ("**Annexure C1**"), because of illiteracy or a disability, such person may make the request orally to the DIO or the Legal Advisory Services Unit, who will complete the prescribed Form 2 (*Request for Access to Record of Public Body*), and provide a copy thereof to the requester.

17. FORMAL REQUESTS: APPLICATION PROCESS

17.1 Step 1: The request

Where a requester wishes to access information held by the GDED, other than records listed in **Annexure “B”**, the requester must make a request for access to the relevant information in the prescribed Form 2, *Request for Access to Record of Public Body (“Annexure C1”)*, available on the GDED website at www.gauteng.gov.za or may obtain same, upon request, from the DIO. The requester must submit the application form to the DIO through the Legal Advisory Services Unit at the address or email address: GDEDPAIARRequests@gauteng.gov.za or lolah.nkosi@gauteng.gov.za.

17.2 Step 2: Payment

The request form should be accompanied by proof of payment for the request fee. No proof of payment is attached by people qualifying for exemption but the reasons for exemption should be clearly stated on the prescribed Form 2. A request fee of R100,00 or proof of payment thereof, must accompany the request for information.

Payment of the request fee may be made into the following bank account:

ACCOUNT NAME	GPG DEPT OF ECONOMIC DEVELOPMENT
BANK	STANDARD BANK
ACCOUNT NUMBER	00302284796
BRANCH CODE	005055
BRANCH NAME	NO. 5 ON SIMMONDS
REFERENCE	PAIA

17.3 Step 3: Turnaround times for attending to requests

In terms of section 25 of the PAIA, the IO must decide whether to grant or refuse a request and give notice with reasons to that effect within 30 days of receipt of the request.

The 30 days within which the IO has to decide whether to grant or refuse the request may be extended once for a period of not more than 30 days if the request is for large amounts of information or if the request requires a search for information held at another office of GDED and the information cannot reasonably be obtained within the original 30 days. The IO must notify the requester in writing should an extension be required.

17.4 Step 4: Validation and notification

The DIO receives and validates the request to determine whether the required information is available within the GDED. The request is then granted, rejected or transferred to the rightful keepers of the required information. A notification is then forwarded to the requester to confirm the status of the request.

17.5 Step 5: Final notification

If the request is granted, then a further access fee must be paid for the search, preparation and reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. The requester will be informed of the completion of the request as well as the outstanding fees payable to the GDED.

17.6 Step 6: Payment and delivery

Once the payment received (following the same payment process as stipulated in Step 2), the information is released to the requester.

17.7 General information

The prescribed Form 2 must be duly completed to enable the IO to identify:

- a) The record or records requested;
- b) The identity of the requester;
- c) Which form of access is required, if the request is granted; and
- d) The postal and email address or fax number of the requester.

The GDED will process the request within 30 days, unless the requester has stated special reasons, which would satisfy the IO that circumstances dictate that the above time period should not be complied with.

18. FEES

The PAIA provides for the following types of fees:

18.1 Non-Refundable Request Fee

A requester, other than a personal requester, requesting access to information held by the GDED will be required to pay the prescribed request fee as specified on the prescribed Form 2, before the request is processed further. The DIO may withhold a record until the requester concerned has paid the applicable fees (if any).

18.2 Access Fee

An access fee is payable in all instances where a request for access to information is granted, for reproduction costs and, if applicable, the postal fee and the time reasonably required to search for and prepare the record for disclosure.

The DIO may withhold a record until the requester has paid the applicable fees (if any).

18.3 Deposits

If the search for a record and the preparation of the record for disclosure, including arrangements to make it available in the requested format, would require more than the hours prescribed for this purpose in the regulations, the DIO must by notice require the requester to pay as a deposit the prescribed portion (being not more than a third) of the access fee which would be payable if the request is granted. If a deposit has been paid in respect of a request for access that was refused the DIO of GDED will refund the deposit to the requester.

Fees payable are as follows:

Activity	Fee
The request fee:	R100.00
Copy per A4 Page	R1.50 per page or part thereof
Printing per A4 page	R1.50 per page or part thereof
Copy on a flash drive or compact disk- if provided by requestor:	R40.00
Copy on a flash drive or compact disk- if provided to requestor	R60.00
Transcription of visual images per A4 page	Service to be outsourced. Dependant on quotation of Service Provider.
Copy of a visual image	
Transcription of an audio recording	R24.00
Copy of an audio recording on a flash drive or compact disk- if provided by requestor:	R40.00
Copy of an audio recording on a flash drive or compact disk- if provided to requestor	R60.00
Search and preparation of the record for	R100 per hour or part thereof,

disclosure	excluding the first hour, reasonably required for the search and preparation
Not to exceed a total cost of:	R300.00
Postage, email or any other electronic transfer:	Actual expense, if any

The requester does not need to pay an access fee if he or she is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than R14 712 a year, or he or she is married and the joint income with his or her partner, after permissible deductions, such as PAYE and UIF, is less than R27 192 per year.

19. REFUSED ACCESS AND APPEALS

19.1 Grounds for refusal

The IO may refuse a request to information if it relates to the:

- a) Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- b) Mandatory protection of the commercial information of a third party, if the record contains:
 - (i) trade secrets of that third party;
 - (ii) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and/or
 - (iii) information disclosed in confidence by a third party to the GDED if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

- c) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- d) Mandatory protection of the safety of individuals and the protection of property;
- e) Mandatory protection of records which would be regarded as privileged in legal proceedings;
- f) Operations of the GDED;
- g) The commercial activities of the GDED, which may include:
 - (i) trade secrets of the GDED;
 - (ii) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the GDED;
 - (iii) information which, if disclosed could put the GDED at a disadvantage in negotiations or commercial competition; and/or
 - (iv) a computer programme which is owned by the GDED, and which is protected by copyright;
- h) Research information of the GDED or a third party, if its disclosure will disclose the identity of the GDED, the researcher or the subject matter of the research and cause a serious disadvantage.
- i) Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

19.2 Remedies if requests for access are refused

19.2.1 Internal Appeal

(a) A requester may lodge an internal appeal against a decision of the Information Officer or Deputy Information Officer on the following grounds:

- i. refusal to grant access to records;
- ii. the tender or payment of the request fee in terms of section 22(1) of PAIA; or
- iii. the access fee to be paid is too excessive; or
- iv. the tender or payment of a deposit in terms of section 22(2) of PAIA; or
- v. the decision of the Information Officer to grant a request for access; or
- vi. an extension of period in terms of section 26(1) of PAIA; or
- vii. refusal to grant access to records in a particular form requested, in terms section 29 (3) of PAIA;
- viii. failure to disclose records; or
- ix. refusal to grant request to waive the fees.

(b) A third party may lodge an internal appeal against a decision of the Information Officer or Deputy Information Officer of the GDED to grant a request for access.

19.2.2 Process

(a) An internal appeal must be lodged in the prescribed form -

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- (i) within 60 days after the requester has been informed of the decision taken;
 - (ii) if notice to a third party is required, within 30 days after notice is given to the appellant of the decision appealed against;
 - (iii) and it must be delivered or sent to the Information Officer or Deputy Information Officer of the GDED at his or her addresses, and
 - (iv) if applicable, must be accompanied by the prescribed appeal fee, and must specify a postal and email address or fax number.
- (b) The prescribed Form 4: *Notice of Internal Appeal* ("**Annexure C2**") for an internal appeal is also available on the GDED website at www.gauteng.gov.za or may be obtained upon request from the DIO at the contact details above.
- (c) If an appeal is lodged after the expiry of the period referred to, the MEC must, upon good cause shown, allow the late lodging of the appeal.
- (d) If the MEC disallows the late lodging of an appeal, he or she must give notice of that decision to the person who lodged the appeal.
- (e) An Appellant lodging an appeal against the refusal of his or her request for access must pay the prescribed appeal fee (if any).
- (f) If the prescribed appeal fee is payable in respect of an appeal, the decision on the appeal may be deferred until the fee is paid.

- (g) As soon as reasonably possible, but in any event within 10 working days after receipt of an appeal, the IO must submit the following to the MEC:
 - (i) the appeal together with reasons for the decision concerned;
 - (ii) if the appeal is against the refusal or granting of a request for access, the name, postal address, telephone and facsimile number and email address (whichever is available) of any third party that must be notified of the request.
- (h) The MEC must consider and decide on the internal appeal within 30 days after the notice of internal appeal is received.
- (i) The decision of the MEC must either confirm or set aside the decision of the IO / DIO and where applicable, substitute the decision on the request.

19.2.2. Lodgment of a complaint with the Information Regulator

A requester or third party who remains dissatisfied with the decision regarding the Information Officer's determination after having completed the internal appeal procedure, may lodge a complaint with the Information Regulator. This can be done by submitting the attached Form 5, ("**Annexure C3**") and submitting the same to the Information Regulator either manually or online within 180 days of receipt of the decision from the GDED.

19.2.3. Application to Court

A requester who has been unsuccessful in an internal appeal may, within 180 days of receipt of notice of the decision regarding the internal appeal, apply to the court for appropriate relief as stipulated in section 78(2) of the Act.

20. MISSING RECORDS

Requestors have the right to receive a response on affidavit for records which cannot reasonably be located but to which a requestor would have had access had the record been available.

21. DISPOSAL OF RECORDS

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

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

22. PROCESSING OF PERSONAL INFORMATION

22.1 Purpose of Processing

The GDED collects and processes personal information in order to –

- 22.1.1 fulfil its legislative mandate;
- 22.1.2 attain its objectives;
- 22.1.3 for internal business purposes;
- 22.1.4 for internal management and management reporting purposes, including but not limited to conducting internal audits, conducting internal investigations, implementing internal business controls and for management reporting analysis;
- 22.1.5 analyse the suitability for any services that persons may apply for;
- 22.1.6 monitor economic trends and for statistical purposes;

- 22.1.7 manage its contractual relationships with its product and service providers and fulfil its contractual obligations;
- 22.1.8 manage its relationship with its employees;
- 22.1.9 process applications for employment with the GDED.

22.2 Description of the categories of data subjects and of the information or categories of information relating thereto

Categories of data subjects	Personal Information that may be processed
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets
Employees	Gender, pregnancy; marital status; race; age; language; educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details (contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical,

Categories of data subjects	Personal Information that may be processed
	gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person

22.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or categories of recipients
<ol style="list-style-type: none"> 1. Name, address and contact details (for example phone numbers or email addresses); 2. Identity information (such as date of birth, country of birth, passport details, visa details and driver's licence); 3. Information about personal circumstances (for example age, gender, marital status and occupation); 4. Information about financial affairs for contracting as a service provider or vendor (for example bank account details, and business and financial interests, company documents, VAT number); 5. Information for employment purposes (for example employment history, education/qualifications, financial and criminal background and any other relevant information 	<ol style="list-style-type: none"> 1. GDED GDED will internally share personal information under circumstances where: <ul style="list-style-type: none"> - it is necessary to fulfil our legislative mandate and/or achieve our objectives; - for business purposes; - if required by any applicable law; - we have a public duty to disclose the personal information; - if it is in the pursuit of the data subjects' or our legitimate interests; - if the data subject has provided consent for us to disclose their personal information and; - where applicable, we require the third parties, through contractual arrangements with them, to take appropriate technical and organisational measures to comply

Category of personal information	Recipients or categories of recipients
<p>such as images of the data subject, fingerprints, driver's licence details, vehicle registration number, tax number and bank account details. If a data subject is employed, he or she is allocated a unique identifier called a PERSAL number. Additional personal information of, for example, dependants of the data subject, may also be collected and processed in order to enable the GDED to fulfil its obligations in terms of the employment agreement with the data subject, such as facilitating medical scheme membership);</p> <p>6. Biometric information for access control, close circuit television (CCTV) images (and audio recordings, where applicable).</p>	<p>with the POPIA and any other applicable data protection.</p> <p>2. GDED may also supply the personal information of data subjects in specific situations, which include but are not limited to the following:</p> <p>2.1. Regulatory Authorities, in respect of any matter or part thereof, that falls under their jurisdiction;</p> <p>2.2. entities involved in vetting and screening processes during recruitment procedures;</p> <p>2.3. legislative authorities, in the course of responding to requests;</p> <p>2.4. auditors, in compliance with government auditing or oversight procedures;</p> <p>2.5. Health and safety authorities or agencies;</p> <p>2.6. law enforcement agencies, such as the National Prosecuting Authority or South African Police Service, for criminal investigations; and</p> <p>2.7. Any Court or Tribunal, in respect of any matter taken on judicial review.</p>

22.4 Planned transborder flows of personal information

- 22.4.1 Where the GDED transfers personal information to recipients outside of the Republic of South Africa, it ensures that –
- 22.4.2 the country to which it is transferred has adopted a law that provides for an adequate level of protection substantially similar to the POPIA; or
- 22.4.3 where that third party undertakes to protect the personal information in line with the POPIA and all other applicable data protection laws of the Republic of South Africa; and
- 22.4.4 has implemented appropriate technical and organisational measures to protect the personal information.

22.5 General description of information security measures to be implemented by the GDED to ensure the confidentiality, integrity and availability of the information

The GDED implements appropriate technical and organisational security measures to protect personal information that is in its possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with the POPIA and all other applicable data protection laws.

The GDED's cyber security strategy is aligned to industry standard frameworks to ensure effective cyber security risk management for the organisation. We conduct continuous security vulnerability assessments to improve our security posture and provide assurance to all our stakeholders.

Where there are reasonable grounds to believe that personal information that is in our possession has been accessed or acquired by any unauthorised person,

we will notify the IR and the data subject, unless a public body responsible for detection, prevention or investigation of offences or the IR informs us that notifying the data subject will impede a criminal investigation.

The GDED only retains and stores personal information for the period for which it is required to serve the purpose for which it was collected and processed, or to protect or exercise a legitimate interest or for such period required to enable us to comply with any applicable laws or regulatory requirements.

23. GENERAL NOTE

The GDED reserves the right to transfer requests for records to relevant bodies where these bodies are the primary holders or generators of the information requested, or where the GDED no longer has possession of such record, and to create new categories of records where this is necessary. This manual will be updated to reflect changes in categories of records accordingly.

24. AVAILABILITY OF THE MANUAL

24.1 A copy of this PAIA manual or the updated version thereof, is available as follows-

24.1.1 on the GDED's website at www.gauteng.gov.za;

24.1.2 at the Head Office of the GDED (at the address stated in this PAIA Manual for public inspection during normal business hours;

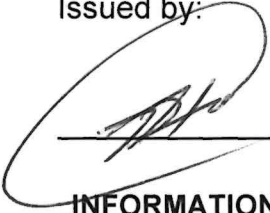
24.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

24.2 A fee for a copy of the PAIA manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy.

25. UPDATING OF THE MANUAL

This PAIA manual will be updated annually or as and when deemed necessary.

Issued by:



INFORMATION OFFICER:

BLAKE MOSLEY-LEFATOLA

HEAD OF DEPARTMENT

GAUTENG DEPARTMENT OF ECONOMIC DEVELOPMENT

DATE: 8/3/2024