

ACCESS TO INFORMATION

MANUAL

For

SOUTH AFRICAN WEATHER SERVICE

(SAWS)

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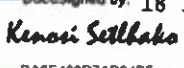
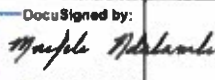
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1. INTRODUCTION AND DEFINITIONS

1.1 INTRODUCTION

On the 3rd of February 2000, the Promotion of Access to Information Act No. 2 of 2000 ("the Act") was enacted. The Act came into operation on 09 March 2001 and allows individuals to obtain information, including copies of records held by both Public and Private Bodies. This gives effect to Section 32 of the Constitution of the Republic of South Africa.

Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, save where the Act expressly provides that the information may or must not be released.

The act specifies the procedures to be followed for the making of such a request.

1.2 DEFINITIONS

"The Act" means the Promotion of Access to Information Act 2000(Act No. 2 of 2000 as amended)

"The manual" means this manual together with all the annexures and which are available at the South African Weather Service"

"SAWS" means South African Weather Service

"CEO" means Chief Executive Officer of South African Weather Service

"The Minister" means the Minister responsible for the administration of South African Weather Service Act No 8 of 2001

"Department" means the departments responsible for the administration of South African Weather Service Act No 8 of 2001

"Public Good services" means services provided by SAWS to the public free of charge

"Commercial services" means specialized services provided by SAWS at a prescribed and established fees and tariffs

2. PURPOSE FOR THE MANUAL

- 2.1** This Manual has been enacted to give effect to the provisions of Section 14 of the Act and to foster a culture of transparency and accountability whilst giving effect to the right of any person to access information.
- 2.2** This Manual also seeks to actively promote a culture in which persons seeking information from SAWS may apply for, and receive, information to which they are entitled as envisaged in the Constitution of the Republic of South Africa.
- 2.3** Persons seeking to access records kept by SAWS are required to follow specific procedures. This Manual sets out those procedures and provides Requesters with guidance in this regard, and as to the exercise of their rights in respect of the Act.

3. FUNCTIONS OF SAWS

3.1 SAWS IS OBLIGED TO:

The functions of the South African Weather Service are set out in Section 4 of the South African Weather Service Act 8 of 2001, SAWS is obliged to and does:

a) Provide such Meteorological Services, including Public Good Services and Commercial services, as are necessary to achieve its objectives, where it is in the interests of SAWS and the State to do so. Public Good Services and Commercial Services are described in the Schedules to the Act and are detailed in paragraph 5 below. Commercial Services are charged for whilst Public Good Services are not.

(aA) provide such ambient air quality information services as is necessary to achieve the objectives of the Air Quality Act;

(aB) collect ambient air quality data over the Republic of South Africa;

(aC) act as the custodian of the SAAQIS;

(aD) manage, operate, maintain and develop NAAQMN;

b) Adhere to the intent of Resolution 40 of the Twelfth Congress of the World Meteorological Organisation, and other related resolutions regarding the internationally free and unrestricted exchange of meteorologically-related data and products; and

c) Perform other functions assigned to it by the Minister ("The Minister").

3.2 SAWS IS ENTITLED TO:

- a) Co-operate or enter into Agreements or Contracts with any Person, Institution, Government, or Administration;
- b) Purchase or otherwise acquire, possess, hire, pledge, sell or let property;
- c) With the approval of the Minister, granted with the concurrence of the Minister of Finance, raise money by way of loans from any lawful source, on such terms and conditions and against such security as may be agreed upon;
- d) With the approval of the Minister, establish or assist in establishing companies for the promotion of Meteorological Services or any related business purpose;
- e) Charge fees for the provision of any Commercial Services;
- f) Enter into Agreements with any other Weather Service to deliver services or be of assistance with the delivery of services outside the borders of South Africa;
- g) Enter into Agreements with State Departments for the delivery of services considered to be within the capacity of the Weather Service. These contract services are not deemed part of the Public Good Services.

3.3 SAWS alone is entitled to issue severe weather related warnings over South Africa (to ensure that there is a single authoritative voice in this regard).

3.4 SAWS is required to take reasonable steps to develop the skills and capacity of the Weather Service so as to enable it to provide for the needs of disadvantaged communities.

4. STRUCTURE OF SAWS

- 4.1** SAWS is a juristic person established in terms of Section 2 of the South African Weather Service Act.
- 4.2** SAWS acts through its Board consisting of a Chief Executive Officer, a Senior Official of the Department and no fewer than 8 and no more than 10 other persons appointed on a part time basis by the Minister in accordance with the Act.
- 4.3** A Chairman and Deputy Chairman are appointed from the Board of SAWS.
- 4.4** Members of the Board are appointed for a period of 3 (three) years and are eligible for re-appointment thereafter for a further 3 (three) year period.
- 4.5** SAWS has a Chief Executive Officer who is a full time member of the Board and is appointed by the Board. From 1 April 2008, the Chief Financial Officer of SAWS is also an ex officio member of the Board.
- 4.6** The Board is appointed in order to:
 - a)** Ensure the financial viability of SAWS and development of the commercial Services;
 - b)** Ensure an efficient, cost effective and high quality Weather Service;
 - c)** Set policies, standards and objectives within the framework issued by the Minister and to ensure that the executive management of SAWS implements these policies, standards and objectives;
 - d)** Facilitate succession and give guidance in the appointment of senior managers;
 - e)** Ensure that the Weather Service has adequate systems of internal control, both operational and financial;
 - f)** Monitor the performance of the Weather Service and make adjustments to the conditions of service of the personnel with due regard to the applicable labour legislation;
 - g)** Recommend any budget proposals or adjustments and submit them to the Minister;

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- h) Set policy for recruitment, training and transformation of the Weather Service;
 - i) Approve a business plan for the Weather Service annually for the next three years and submit it to the Minister for final approval;
 - j) Ensure that the majority of the South African population benefits from the Public Good Services of the Weather Service; and
 - k) Perform any other function assigned to it by the Minister.
- 4.7 The Board is required to meet at least 4 (four) times a year and the meetings are conducted as is set out in Section 10 of this Act.
- 4.8 The Board is entitled to establish 1 (one) or more Committees to perform such functions as the Board may determine. Details of these Committees and their functions are available without formal request from the Information Officer.
- 4.9 The Board is entitled to establish such number of Meteorological Advisory Committees on a National and Regional basis, as is necessary.
- 4.10 The Chief Executive Officer, as appointed by the Board with concurrence of The Minister, is responsible for the management of the Weather Service and is required to report to the Board on all management issues as often as is, In the absence of the Chief Executive Officer, the chairperson of the Board may, with the concurrence of the members of the Board and The Minister appoint another employee of the weather service to act as the Chief Executive Officer.
- 4.11 The Chief Executive Officer is entitled to employ so many employees as is necessary to enable SAWS to perform its functions.
- 4.12 SAWS obtains funding and utilizes its funding in the manner set out and specified in the South African Weather Service Act No 8 of 2001.

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4.13 The Minister has established a committee known as "*the Regulating committee for Meteorological Services*" consisting of 5 (five) persons appointed on a part time basis.

4.14 The main functions of the Regulating Committee for Meteorological Services are to:

- a. Set broad limits on the prices of services and products of the Weather Service;
- b. Determine the level of user charges to be applied to the Aviation and Maritime Industries by the Weather Service and advise the Minister on the making of regulations in this regard;
- c. Ensure that the Weather Service does not abuse its position, but in such a manner as not to place undue restrictions on the Weather Service's commercial activities and must further guard the Weather Service against unfair competition from national and international private Weather Services;
- d. Promote the safe, efficient, economical and profitable operation of the Weather Service;
- e. Promote the reasonable interest and needs of clients and customers of the Weather Service;
- f. Monitor service standards and, where necessary, issue instructions to the Weather Service for improvement; and
- g. Perform any other function assigned to it from time to time by the Minister.

5 SERVICES OFFERED BY SAWS:

SAWS offers "Public Good Services" which are provided free of charge and "Commercial Services" which are provided at a prescribed and established fees and tariffs.

5.1 The Public Good Services provided by SAWS:

- a) The gathering of Meteorological and Climatological Observational Data over South Africa and surrounding oceans, sufficient for the needs of the country and to comply with international obligations and also with World Meteorological Organisation standards, where practicable.
- b) The carrying out of those international obligations agreed to under World Meteorological Organisation arrangements, including the international

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distribution of data and acting as Regional Telecommunications Hub and as Regional Specialized Meteorological Centre.

- c) The provision of other Meteorological Services and the representation of Government in the fulfilment of international obligations, where appropriate.
- d) The provision of Weather and Climatic Forecasting and Warning Services intended for the general benefit of the population and the safety of life and property.
- e) The provision of daily rainfall and maximum and minimum temperatures data to the general public.
- f) Acting as custodians of the National Climatological Databank.

- g) The operation of a National Meteorological Telecommunication Network and Computer Infrastructure necessary to provide Public Good Services.
- h) The maintenance of the National Meteorological Library.

- i) The provision of advice to Government regarding Meteorological and Climatological matters.
- j) The provision of Meteorological and Function related Training in partnership with Higher Education Institutions.
- k) The conducting of research focused on reducing the impact of weather related natural disasters and on improving to the quality of the Public Good Services.
- l) The provision of Meteorological Support for Aviation and Maritime Search and Rescue Activities in accordance with international obligations of the Government.
- m) The provision of services for the benefit of subsistence farmers and fisheries.

- n) The collection of ambient air quality data over the Republic of South Africa.

- o) The provision of ambient air quality forecasts and warning services intended for the general public benefit.
- p) The publication of air quality and air quality related publications.

- q) The management, operation, maintenance and the development of NAAQMN and other ambient air-quality related instruments and computer programs.

5.2 The Commercial Services offered by SAWS:

- a) The provision of Specialized Weather Forecasting and Climate Information Services.
- b) The provision of services to the Maritime Industry that are not included in international obligations of the SOLAS Convention (Safety of Life At Sea).

- c) The provision of Aviation Meteorological Services.
- d) Weather and Climate Related Publications.
- e) The manufacturing and selling of Meteorological equipment to State Departments and users from the Private Sector as well as the servicing, repairing and standardization of equipment falling within the competence of the Weather Service.
- f) The provision of specialized Services to the Media.
- g) Commercial Services provided on an Ad Hoc basis to State Departments.
- h) The provision of specialised ambient air quality forecasts or ambient air quality information services.
- i) The provision of services to the air quality management, air quality monitoring or air quality modelling industry.
- j) Contracted air quality related research.
- k) The selling of ambient air quality or meteorological information packages.

CONTACT DETAILS:

SAWS Head Office is situated at 01 Ecopark Drive, Eco Glades Block B, Cnr Olievenhoutbosch and Ribbon Grass Streets, Centurion, Pretoria. SAWS also has 23 (twenty-three) Weather Offices around the Country with Regional Forecasting Offices at Airports.

The Addresses and contact details given below are for SAWS Head Office. It is recommended that Requesters refer all queries to SAWS Head Office.

If appropriate, Requesters will be referred to other offices of SAWS.

PHYSICAL ADDRESS: 01 Ecopark Drive
Eco Glades Block B
Cnr Olievenhoutbosch and Ribbon Grass streets
Centurion
PRETORIA

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POSTAL ADDRESS : Private Bag X 097

Pretoria

0001

South Africa

TELEPHONE : +27 (0)12 367 6000

TELEFAX : +27 (0)12 367 6200

DIRECTIONS : Directions are available to Requesters either on our website, or telephonically

WEBSITE : www.weathersa.co.za

CONTACT DETAILS : The Information Officer(s) for SAWS is:

Information Officer(s)	Designation	Responsibility	Contact Details
Mnikeli Ndabambi	Chief Executive Officer	The Information Officer	Email Address: CEO_SAWS@weathersa.co.za TELEPHONE: (012) 367 6000
Kenosi Setlhako	Executive: Corporate & Regulatory Service	Deputy Information Officer	Email Address: CRS@weathersa.co.za TELEPHONE: (012) 367 6000

OTHER OFFICES: Contact Details for other SAWS offices are available from SAWS without need of a formal request.

7 SECTION 10 GUIDE ON HOW TO USE THE ACT:

- 7.1** The South African Human Rights Commission published a Guide as is prescribed by section 10 of the Promotion of Access to Information Act. The Guide can be obtained from the South African Human Rights Commission Website or the offices of the South African Human Rights Commission (www.sahrc.org.za).
- 7.2** Request forms to be used by persons requesting access to records (a “Requester”) and fee structures payable by Requesters may also be downloaded from this website (www.sahrc.org.za) and are also available on the website for the Department of Justice and Constitutional Development (www.doj.gov.za) under “Regulations”.
- 7.3** The South African Human Rights Commission may also be contacted as follows:

PAIA Unit – The Research and Documentation Department
Private Bag 2700
Houghton
2041
Telephone: +27 (0)11 877 3600
Website: www.sahrc.org.za
e-mail: paia@sahrc.org.za

8. REQUEST FOR ACCESS TO SAWS RECORDS:

The list of subjects on which SAWS holds records will be updated from time to time. In the event that a Requester seeks access to any Record or Information not listed either in this Manual, or elsewhere, the Requester is advised to contact the Information Officer in order to ascertain whether the Record or Information is in fact available, and to ascertain the classification of the Information or Record sought.

It may well be that the Information or Record sought by a Requester is available, but due to the categorization or content thereof, that SAWS are prohibited from disclosing or are entitled to refuse access to the Information or Record, in terms of the Act.

The procedure for requesting access to Information or Records is set out below:

8.1 Records Automatically available to SAWS employees.

The following records are automatically available to SAWS employees, and need not be requested in accordance with the procedures set out below:

- a) The personal records for the employee whose file is allocated to him/her.
- b) Records of disciplinary hearings and related matters are available to the employee who is the subject of the hearing/s and related matters.
- c) SAWS Policy Documents, Procedures and Guidelines, together with all records to which the general public has access as set out below.

8.2 Records readily available to the General Public.

The following records and information are available to the General Public and need not be requested in accordance with the procedures set out below. Information may be requested from SAWS telephonically.

- a) Annual Reports of SAWS also available on SAWS website (www.weathersa.co.za).
- b) The SAWS Act and Regulations, also available on SAWS website (www.weathersa.co.za).
- c) Marketing brochures and Public Good Information published by SAWS.
- d) Information available on SAWS website (www.weathersa.co.za). *Note that certain publications are of Commercial nature, and are available against payment of the fee set out on SAWS website.*
- e) SAWS Supply Chain Management Policy and other statutory documents which SAWS is obliged to make available to members of the general public without a formal request.
- f) Documents, Reports, Plans, Frameworks, Policies and Procedures, the Content of which SAWS is obliged to make available to the Public in terms of Legislation.

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- g) Documents providing details of and calling for tenders or quotations in respect of any tender issued and called for by SAWS, provided that, where applicable, the fees applicable to that specific tender or request are paid.
- h) Various pamphlets and newsletters.
- i) Records or information specifically listed as falling into this category elsewhere in this Manual.

8.3 Records not readily available to the General Public.

The following Categories of Records and Information are not automatically available to the General Public. A formal request in the manner set out below is required in order for a request for this information and/or records to be considered:

a) Personnel Records. These include:

- i. Personal information;
- ii. Employment history and health records;
- iii. Personal information and records provided to SAWS by its personnel;
- iv. Records pertinent to any personnel of SAWS provided by third party;
- v. Records and details of training and development of personnel;
- vi. Conditions of employment, employment contracts and related contractual and legal records;
- vii. Internal evaluations and records of evaluations;
- viii. Records and details of internal loans and financial assistance given to personnel;
- ix. Internal records and correspondence;
- x. Records and information which any law or agreement requires SAWS to keep.

b) Customer Records. These include:

- i. Records and information provided by the customer and / or third parties to SAWS;
- ii. Records of all dealings between SAWS and its customers including requests for the provision of Commercial Services and/or Public Good

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Services, details of Accounts with Customers of SAWS and queries from Customers;

- iii. Contracts entered into with Customers and/or Third Parties;
- iv. Research ,Project Data and Results developed and/or obtained by SAWS, whether in conjunction with other parties or on its own, pursuant to various contracts and/or instructions given by Third Parties;
- v. Details of donations and funding received;
- vi. Transaction Records;

Information relating to the finances, operations and internal information of Third Parties obtained from any person or entity who submitted a Tender, Quotation, Proposal, Submission, Presentation, Offer or Response to a Request for a Quotation, Proposal, or Tender published by SAWS for the supply, provision, or installation of Services, Material or Equipment.

c) Records of SAWS. These include:

- i. Financial Records;
- ii. Operational Records;
- iii. Project Records;
- iv. Management Records;
- v. Building plans, plant and operational manuals, procedures and maintenance manuals;
- vi. Databases;
- vii. Patents, registered designs and trademarks;
- viii. Technical know-how;
- ix. Information Technology;
- x. Intellectual Property;
- xi. Product Records;
- xii. Marketing and Strategic Records;

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- xiii. Internal and External correspondence and Communications;
- xiv. Retirement Fund Records;
- xv. Statutory Records;
- xvi. Statutory Compliance Records;
- xvii. Internal Policies and Procedures;
- xviii. Treasury Related Records;
- xix. Securities and Equities;
- xx. Investment Records;
- xxi. Financing Records;
- xxii. Cash-flow Records and Books of Account;
- xxiii. Records held by SAWS relating to other Weather Services or Entities, whether situated in South Africa or elsewhere;
- xxiv. Records relating to other Organs of State and Third Parties of whatsoever nature;
- xxv. Correspondence with Third Parties;
- xxvi. Contractual Records and copies of Contracts;
- xxvii. Opinions, Advices and Comments received and given;
- xxviii. Any Records provided by Third Parties about Contractors or Suppliers of goods or services or equipment to SAWS;
- xxix. Details of assets of SAWS and contracts pertinent to such assets;
- xxx. Records and information, which SAWS is required to keep in terms of law;
- xxxi. Responses to Tenders, Requests for Quotations, and the like;
- xxxii. Records relating to the activities described in 3.2 and 4.6 above;
- xxxiii. Any other Record not specifically listed which is held by SAWS.
- xxxiv. Meteorological Training Institute records

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*Requesters note that the Promotion of Access to Information Act Authorises, and in some instances, requires SAWS to **REFUSE** certain Requests for Access to some Records and Information.*

9. PROCEDURE FOR REQUESTING ACCESS TO A RECORD:

It is recommended that SAWS Website be utilized as a first reference source in order to ascertain whether the information is available on the site and can be freely downloaded. In the event that the Requester does not have access to the Internet and/or the information requested is not available on the Website, then in such event:

9.1 Information Relating to a Single Department:

Where the information requested relates to a single department within SAWS and access hereto is likely to be given automatically and without a formal request being made in terms of the Act, the Requester may make the request for the Records and Information directly to the Department concerned. In the event that the Department concerned is unable or unwilling to provide the Information or Record requested, then in such event, the Requester may approach the Information Officer.

9.2 Departmental Head or Contact Person:

The Departmental request referred to in 9.1 above should be made to the Departmental Person who, reasonably, could be expected to comply with such a request (usually the Head of the Department). Such Official will either:

- a) Refuse or Access the Record or Information; or
- b) Refer the Request to a Higher Authority; or
- c) Grant or Make the necessary arrangements for access to be given to the Record or Information if, after consideration of all relevant facts and circumstances, it is appropriate to do so. If appropriate, the Official may make the granting or arranging of access, subject to appropriate conditions.

9.3 If Requester is dissatisfied with the Response:

In the event that the Requester is dissatisfied with the response to the request, then in such event, it is recommended that the Requester repeat the Request for Information or Records to the Information Officer.

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9.4 If Requester is dissatisfied with Information or Record Provided:

In the event that the Requester is dissatisfied with the Information or Records provided, or, with the outcome of his request, and in the event that the Information Officer is unable or unwilling to assist the Requester, then in such event, the Requester is entitled to make use of the Internal Appeal Procedure detailed below.

10. PROCEDURE TO BE FOLLOWED BY A REQUESTER SEEKING ACCESS TO A RECORD WHICH IS NOT AUTOMATICALLY AVAILABLE WITHOUT A FORMAL REQUEST BEING MADE:

10.1 A Requester is required to use Form A as published in Government Gazette R187, dated 15 February 2002 ("the request form"). A copy of this Form is attached hereto as "Form A". If need be, further copies of the Request Form may be obtained from the Information Officer free of charge, from the sources listed in paragraph 6 above. Such Form must be correctly and completely filled in and signed. If required by the Requester, the Information Officer will assist the Requester in completing the Request Form.

10.2 The Requester must:

- a) Provide sufficient details on the Request Form to enable the Information Officer to accurately and correctly identify the Record or Information sought;
- b) Indicate the Form of Access required, e.g. whether the Requester wishes to view the Record at the Offices of SAWS, or whether the Requester requires a copy thereof (note SAWS will endeavour to provide access to the Requester in the manner sought provided that doing so will not unreasonably interfere with the running of SAWS or damage the Record or infringe a copyright not owned by SAWS and/or the State). If, for practical reasons access cannot be given in the requested Form, but can be given in an alternative manner, then in such event, an access fee will be calculated on the basis of the Requester's first request, in the case where the alternative manner is more expensive;
- c) Indicate whether in addition to a written decision on the Request for Access to a Record, the Requester wishes to be advised of the decision on granting access in any other way, e.g., telephone or e-mail, in which event, this must be indicated and relevant details provided;

- d) In the event that the request is being made on behalf of another person, submit proof of the capacity in which the request is being made, to the reasonable satisfaction of the Information Officer;
- e) Request assistance from the Information Officer in the event that the Requester is illiterate or has any other disability making completion of Forms difficult or impossible.

10.3 The Request Form must be submitted by the Requester to the Information Officer together with any applicable request fee. Contact details for the Information Officer are provided elsewhere in this Manual. The duly completed form may be delivered to the Information Officer in any manner that causes it to come to his/her attention.

10.4 In the event that the Requester complies with the procedural requirements of the Act and this Manual relating to a request for access to any Record or Information and access to that Record and/or Information is not refused on any ground mentioned in the Act, then in such event, the Requester will be given Access to the relevant Record of SAWS.

10.5 Requesters are required to note that the provisions of the Act set out a variety of grounds and basis on which a Public Body, including SAWS, would be entitled to refuse access to a Record.

10.6 In the Event that any conflict exists between the provisions of this Manual and the Act, the provisions of the Act will apply. For the sake of clarity, this means that the provisions of this Manual may not be interpreted such as to create an obligation on SAWS to provide access to Record or Information, which SAWS is obliged or entitled to refuse in terms of the Act.

10.7 Further information pertaining to the notification of the result is set out below.

11. Promotion Of The Administrative Justice Act, 3 Of 2000 (PAJA)

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In cases where an administrative action materially and adversely affects the rights or legitimate expectations of any person or the rights of the public, then the prescripts for a procedurally fair administrative action set out in the provisions of the Promotion of the Administrative Justice Act, 2000 (Act No. 3 of 2000), and in particular sections 4 and 5 will be adhered to.

12. Protection of Personal Information Act, 2013 (POPIA)

12.1 Purpose of POPIA

The Protection of Personal Information Act, 4 of 2013, ("POPIA") regulates and controls the processing, including the collection, use, and transfer of a person's personal information. In terms of POPIA, a person (Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another's (Data Subject) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the provisions and the 8 processing conditions set out under POPIA.

12.2 Reasons why the SAWS Processes Personal Information

12.2.1 The SAWS does and will from time to time process Personal Information which belongs or is held by a Data Subject.

12.2.2 This processing is required by the SAWS to allow it to perform the following:

- i) to pursue its business objectives and strategies,
- ii) to comply with a variety of lawful obligations;
- iii) to carry out actions for the conclusion and performance of a contract as between the SAWS and Data Subjects;
- iv) to put in place protective mechanisms to protect the Data Subject's and / or the SAWS' legitimate interest (s) including the performance of risk assessments and risk profiles;
- v) to obtain as required by law or to protect the respective party's legitimate interests, Personal Information from a credit bureau or credit provider or credit association information about

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- certain Data Subject's credit record, including personal information about any judgement or default history;
- vi) to provide as required by law or to protect the respective party's legitimate interests Personal Information to credit bureaus, credit providers or credit associations, information about certain Data Subject's credit record, including personal information about any judgement or default history;
 - vii) for the purposes of making contact with the Data Subject and attending to the Data Subject's enquiries and requests;
 - viii) for the purpose of providing the Data Subject from time to time with information pertaining to the SAWS, its officers' employees, services and goods and other ad hoc business related information;
 - ix) to pursue the Data Subject's and / or XYZ's legitimate interests, or that of a third party to whom the Personal Information is supplied;
 - x) for the purposes of providing, maintaining, and improving the SAWS products and Services, and to monitor and analyze various usage and activity trends pertaining thereto;
 - xi) for the purposes of performing internal operations, including management of employees, employee wellness programmes, the performance of all required HR and IR functions, call centres, customer care lines and enquiries, attending to all financial matters including budgeting, planning, invoicing, facilitating and making payments, making deliveries, sending receipts, and generally providing commercial support, where needed, requested or required; and
 - xii) for the purpose of preventing fraud and abuse of the SAWS processes, systems, procedures and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

12.3 Storage and retention and destruction of information

The SAWS will ensure that the Data Subject's Personal Information is stored electronically in a centralised data base, which, for operational reasons, will be accessible to all within the SAWS on a need to know and business basis, save that where appropriate, some of the Data Subject's Personal Information may be retained in hard copy. All such Personal Information will be held and / or stored securely. In this regard the SAWS will ensure that it performs regular audits regarding the safety and the security of all Data Subject's Personal Information.

Once the Data Subject's Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived for the required prescribed periods or longer should this be required by the SAWS. The SAWS, thereafter, will ensure that such Personal Information is permanently destroyed.

12.4 Access by others and cross border transfer

The SAWS may from time to time have to disclose a Data Subject's Personal Information to other parties, including other organs of state, other departments or subsidiaries, product or third party service providers, regulators and or governmental officials, overseas service providers and or agents, but such disclosure will always be subject to an agreement which will be concluded as between the SAWS and the party to whom it is disclosing the Data Subject's Personal Information to, which contractually obliges the recipient of this Personal Information to comply with strict confidentiality and data security conditions.

Where Personal Information and related data is transferred to a country which is situated outside the borders of South Africa, the Data Subject's Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information is bound contractually to a no lesser set of obligations THAN those imposed by POPIA.

13. FEES PAYABLE AND NOTIFICATION OF RESULT:

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- 13.1** A Requester seeking access to a Record containing personal information about the Requester is not required to pay a request fee. Other Requesters are required to pay a request fee.
- 13.2** The fees and charges prescribed in Part II of Notice 187 in the Government Gazette of 15 February 2002 are payable and are annexed as Annexure "A" hereto. These fees are payable as set out therein in respect of all requests (save that the request fee for a personal Requester is not payable).
- 13.3** The Information Officer is required, as soon as is reasonably possible (but in any event within 30 [thirty] days after the request is received) to decide in accordance with the Act, whether to grant the request and notify the Requester of the decision. In the event that it is reasonably possible to do so, the Information Officer will endeavour to inform the Requester of the decision in the manner in which they requested to be notified.
- 13.4** In the event that the request is granted, the notification will state:
- a) The access fee, if any, to be paid upon giving access to the Records;
 - b) The form in which access will be given;
 - c) That the Requester may lodge an Internal Appeal, alternatively, that an Application may be made to Court against the access fee requested or the Form of Access granted; and
 - d) The Procedure, including Time Periods, for the lodging of an Internal Appeal.
- 13.5** In the event that a request for access is refused, the notification to the Requester will state:
- a) The reasons for the refusal, including the provisions of the Act relied upon;
 - b) That the Requester may lodge an Internal Appeal or an Application with the Court, as the case may be, against the Refusal of the Request; and
 - c) The Procedure, including Time Periods, for the lodging of the Internal Appeal or Application as the case may be.
- 13.6** In the event of a refusal, reference to the contents of the Record will be excluded from any reasons given.

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13.7 The Information Officer may, in certain circumstances, extend the 30 [thirty] day time period within which a response must be given to the request.

13.8 In the event that the request is approved, access to the Record shall be given in the manner approved as soon as is reasonably possible and after payment of all prescribed fees.

14. NOTE THAT

14.1 Requesters are obliged to exhaust the Internal Appeal Procedures before they are entitled to approach a Court for appropriate relief against a decision of the Information Officer.

14.2 In certain circumstances, the Information Officer is obliged or entitled to refuse an access to a Record or Information or to require a Third Party to be notified of the request in order to be given an opportunity to protect their rights. The basis on which such a refusal must or may be made are those set out in the Act.

15. MANNER OF INTERNAL APPEAL AND APPEAL FEES

15.1 An Internal Appeal:

a) Must be lodged in the prescribed Form "B"). A copy of this Form is attached hereto as "Form B":

- i. Within 60 (sixty) days of date of the decision;
- ii. If notice to a Third Party is required by Section 49 (1) (b) of the Act, then within 30 (thirty) days after notice is given to the Third Party of the decision appealed against.

b) Must be delivered or sent to the Information Officer and or Deputy Information Officer at the address, or electronic mail address as per paragraph 6 above;

c) Must identify the subject of the internal appeal and state the reasons for the internal appeal and must include any other relevant information or argument known to the Appellant or which the Requester wishes to be taken into account in the consideration of the Appeal;

d) If, in addition to a written reply, the Appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed;

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- e) If applicable, must be accompanied by the prescribed appeal fee referred to in 13.3 below; and
- f) Must specify a postal or email address of the Appellant;
- h) Will be considered by the Information Officer and a further two SAWS employees who are entitled to obtain internal or external advice to assist them in making a decision.

15.2 Internal Appeal Lodged after Expiry of Period:

If an Internal Appeal is lodged after the expiry of the period referred to in Sub-section 13.1, the Information Officer must:

- a) Upon good cause shown, allow the late lodging of the Internal Appeal;
- b) If that relevant authority disallows the late lodging of the Internal Appeal, give notice of that decision to the person that lodged the Internal Appeal.

15.3 The Requester:

A Requester lodging an Internal Appeal against the refusal of his or her request for access, must:

- a) Pay the prescribed appeal fee (if any);
- b) If the prescribed appeal fee is payable in respect of an Internal Appeal, the decision on the internal appeal may be deferred until the fee is paid.

15.4 Notification:

The Requester will be notified of the result of the Internal Appeal within 45 (forty-five) days of lodging an Internal Appeal.

15.5 If Requester is still Dissatisfied:

If the Requester is still dissatisfied with the result, then in such event, a Court of competent jurisdiction may be approached for relief.

16. GENERAL CONSIDERATIONS:

- 16.1** Use of headings in this Manual is for convenience purposes only. Headings are not to be used in the interpretation of any portion of this Manual.
- 16.2** Use of any one gender includes the other.
- 16.3** Where either SAWS or a Requester has rights or obligations in terms of the Act, which are not specifically dealt with herein, such failure does not detract from the existence or re-enforceability of such rights. This Manual is issued to guide Requesters in the manner in which their rights and obligations are to be fulfilled. It is not the intention of this Manual to remove, detract from or alter either SAWS or the Requester's rights or obligations. To the extent that this Manual does so, this is unintentional and the full entitlements, rights and obligations in the Act apply in preference to the contents of this Manual.
- 16.4** The Act requires that in certain circumstances and particularly where a Third Party's rights may be affected by a request, that the Third Party be notified of the request and given an opportunity to protect their rights and interests.
- 16.5** This Manual is subject to change from time to time and Requesters are advised to contact the Information Officer to confirm that they are using the most recent Manual.

End of Document