

**THE PROMOTION OF ACCESS TO INFORMATION ACT SECTION 14 MANUAL**

for the

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA**



## TABLE OF CONTENTS

<b>1. Introduction</b> .....	3
<b>2. Functions and Structure of ITAC</b> .....	3
<b>3. Contact Details of the Information Officer and Deputy Information Officers</b> .....	3
<b>4. Services</b> .....	4
<b>5. Guide on How to Use PAIA</b> .....	12
<b>6. Categories of Records that are Automatically Available</b> .....	13
<b>7. Description of the Records Held by ITAC in terms of PAIA</b> .....	14
<b>8. Procedure for Requesting Access to Records in terms of PAIA</b> .....	15
<b>9. Fees</b> .....	16
<b>10. Information Relating to POPIA</b> .....	17
<b>11. Refusal of Request</b> .....	19
<b>12. Miscellaneous</b> .....	21
<b>Annexure A – Request for a Copy of the Guide</b> .....	22
<b>Annexure B – Fees for Public Bodies</b> .....	24
<b>Annexure C – Request for Access to a Record</b> .....	25
<b>Annexure D – Outcome of Request and of Fee Payable</b> .....	31
<b>Annexure E – POPIA Request for Correction / Deletion</b> .....	35
<b>Annexure F – POPIA Request for Objection</b> .....	38

## **1. Introduction**

- 1.1. The *Promotion of Access to Information Act* 2 of 2000 (“**PAIA**”), which came into effect on 9 March 2001, 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. Where a request is made in terms of PAIA, the body to which the request is made is obliged to release the information, except where PAIA expressly provides that the information may or must not be released.
- 1.2. The object of PAIA is to foster a culture of transparency and accountability in public and private bodies and 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.
- 1.3. Section 9 of PAIA, however, recognises that the right to access to information cannot be unlimited. The access to information is therefore subject to justifiable limitations.
- 1.4. Section 14 of PAIA obliges public bodies to compile a manual to assist you to obtain access to information held by a public body and stipulated the minimum requirements with which a manual has to comply. This Manual is intended to foster a culture of transparency and accountability within the International Trade Administration Commission of South Africa (“**ITAC**”). The purpose of this Manual is to inform you on how to obtain access to records held by ITAC, giving effect to Section 14 of PAIA. The Manual will enable you to acquaint yourself with the procedures to be followed to access records that are in the possession of ITAC.
- 1.5. Additionally, the right to privacy is protected in terms of the common law and section 14 of the Constitution. In realising this right, the *Protection of Personal Information Act* 4 of 2013 (“**POPIA**”) was enacted. POPIA requires us to provide you with certain information relating to how Personal Information that we process, is used, disclosed and destroyed. We have set out the required information in this Manual.

## **2. Functions and Structure of ITAC**

### **2.1. Vision**

An institution of excellence in international trade administration, enhancing economic growth and development.

## 2.2. **Mission**

ITAC aims to create an enabling environment for fair trade through efficient and effective administration of its trade instruments, and technical advice to the **dtic**.

## 2.3. **Functions**

- 2.3.1. to promote sustainable economic development through improvements of international competitiveness and the optimal use of resources;
- 2.3.2. to promote increased global competitiveness through cost reduction of inputs;
- 2.3.3. to support Government's economic and employment initiatives and programmes such as the Industrial Policy Action Plan (IPAP) and the New Growth Path (NGP) and various Master Plans;
- 2.3.4. to promote the creation of employment opportunities to inter alia support in the enhancement of the beneficiation of goods prior to export;
- 2.3.5. to control imported goods for reasons such as health, environmental and security;
- 2.3.6. to investigate non-compliance and contraventions of the provisions of ITAC's governing statute which may in certain instances lead to the seizure of illegally imported goods and illegal goods destined for export;
- 2.3.7. to protect SACU industries against unfair international trade practices; and
- 2.3.8. to improve global competitiveness of certain industry sectors such as the clothing and textile manufacturing industry and the motor vehicle and component manufacturing industry, in line with the objectives of Government as set out in, inter alia, its industrial and trade policies.

## 2.4. **Structure**

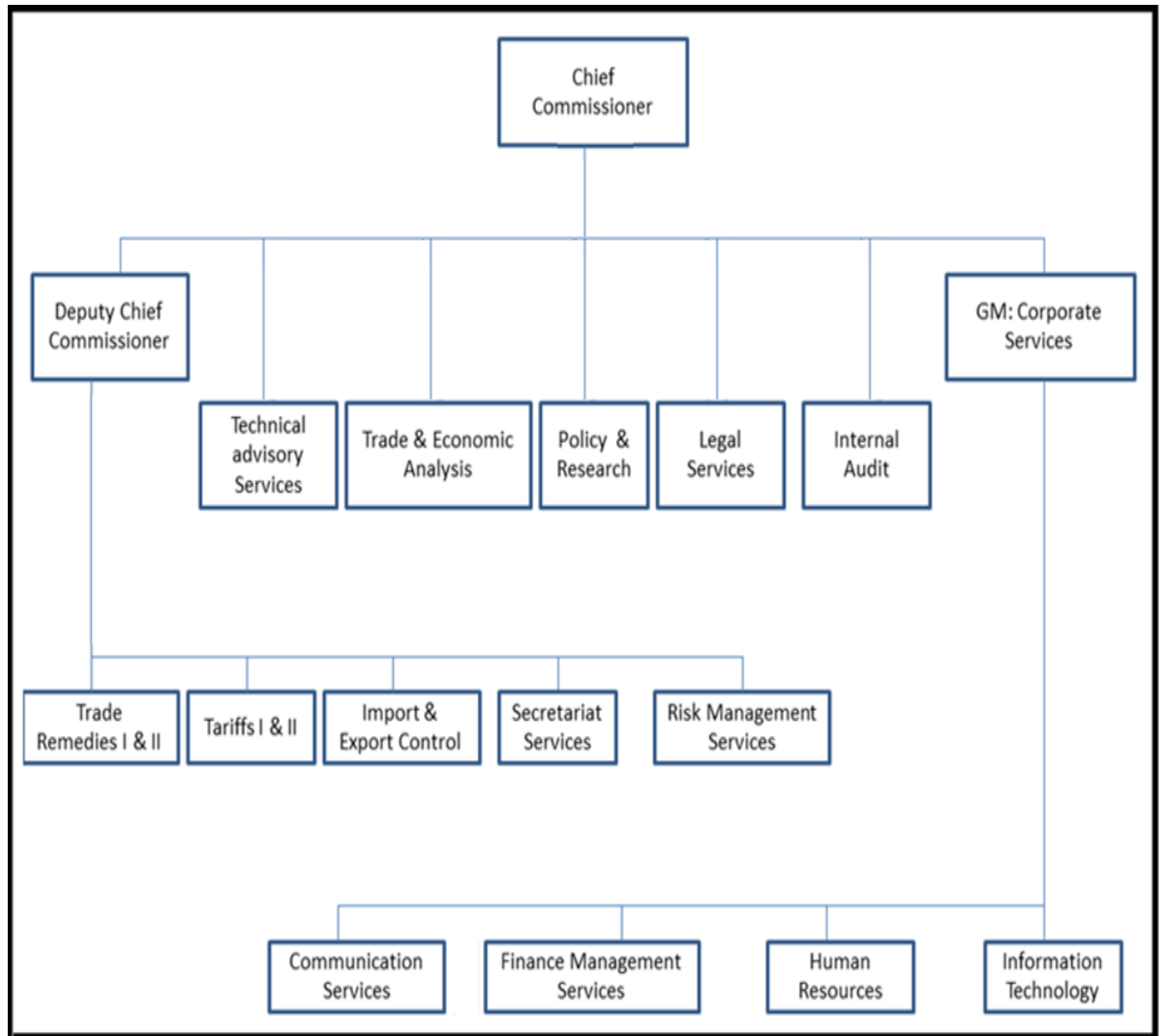
ITAC is a body governed by the provisions of the *International Trade Administration Act 71 of 2002* ("**the ITA Act**"). The ITA Act provides for a Chief Commissioner who also serves as the Chief Executive Officer and is responsible for the general administration of the Commission and is directly accountable to the Minister of Trade Industry and Competition. The Chief Commissioner is assisted by a Deputy Chief Commissioner and a maximum of ten part-time Commissioners.

- 2.4.1. ITAC consists of a Corporate Services division and three core business units,

namely:

- 2.4.1.1. Tariff Investigations;
- 2.4.1.2. Trade Remedies; and
- 2.4.1.3. Import and Export Control

2.5. **Schematic Diagram of Structure**



**3. Contact Details of the Information Officer and Deputy Information Officers**

- 3.1. In terms of PAIA, the Chief Commissioner of ITAC is the Information Officer. The Chief Commissioner has appointed Deputy Information Officers to attend to specific requests for information to make the organisation as accessible as possible. The

contact details of the elected Deputy Information Officers are listed below:

3.2. **Deputy Information Officers**

3.2.1. **Ms. Averil Munsami**  
**Senior Manager: Legal Services**

Tel: +27 (12) 394 3707

Email: [amunsami@itac.org.za](mailto:amunsami@itac.org.za)

The dtic Campus

77 Meintjies Street

Sunnyside

Pretoria

Postal address: Private Bag X753, Pretoria, 0001

3.2.2. **Ms. Tlou Mulangaphuma**

**Chief Risk Officer**

Tel: +27 (12) 394 1816

Email: [tmulangaphuma@itac.org.za](mailto:tmulangaphuma@itac.org.za)

The dtic Campus

77 Meintjies Street

Sunnyside

Pretoria

Postal address: Private Bag X753, Pretoria, 0001

3.3. **Website**

[www.itac.org.za](http://www.itac.org.za)

4. **Services**

4.1. **Core Business Units**

ITAC is involved with amending tariffs, administering trade remedies and the administration of import and export controls.

## 4.2. **Tariff Investigations**

4.2.1. The Unit conducts investigations regarding customs tariff amendments. There are three types of customs tariff amendments, which are administered by the Tariff Investigations Unit. These comprise investigations for increases in ordinary customs duties; reductions in ordinary customs duties; and the creation of rebate and drawback provisions.

4.2.2. Aside from the customs duty amendments, the unit also administers various kinds of rebate and drawback provisions falling under Schedules 3, 4, and 5 to the *Customs and Excise Act 91 of 1964*. This administration is done by issuing permits and certificates in accordance with the *Customs and Excise Act 91 of 1964* and creating guidelines for a variety of industrial sectors to clear imported goods free of duty.

4.2.3. Currently, the Tariff Investigations Unit administers one of the sectoral programmes, the Automotive Production Development Program (APDP), which succeeded the Motor Industry Development Program (MIDP) in January 2013.

### 4.2.3.1. **Increase in Customs Duty**

4.2.3.1.1. An increase in the rate of customs duties is considered for the purpose of granting relief to domestic producers that may be experiencing threatening import pressures to adjust and restructure so that in the medium to long term they could become internationally competitive without any support in the form of customs duty protection. This is made possible by the fact that there is for certain goods a difference between the general applied rates and the WTO bound rates. The WTO bound rates act as a ceiling beyond which customs duty increases cannot go.

4.2.3.1.2. To enquire about this service contact the following people:

**Ms. Rika Theart**

Tel: +27 (12) 394 3674

Email: [rtheart@itac.org.za](mailto:rtheart@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

**Ms. Phatheka Busika**

Tel: +27 (12) 394 3595

Email: [pbusika@itac.org.za](mailto:pbusika@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

4.2.3.1.3. Application forms are available on the website.

4.2.3.2. **Reduction in Customs Duty**

4.2.3.2.1. A reduction or removal of duties is considered, in cases where goods, consumption goods, intermediate or capital goods are not manufactured domestically or unlikely to be manufactured domestically.

4.2.3.2.2. To enquire about this service contact the following people:

**Ms. Rika Theart**

Tel: +27 (12) 394 3674

Email: [rheart@itac.org.za](mailto:rheart@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

**Ms. Phatheka Busika**

Tel: +27 (12) 394 3595

Email: [pbusika@itac.org.za](mailto:pbusika@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

4.2.3.2.3. Application forms are available on the website.

4.2.3.3. **Rebate and Drawback of the Customs Duty**

4.2.3.3.1. The primary aim of these provisions is to provide a customs duty waiver, and therefore an availability at world competitive prices, for products that attract duties but are not produced or insufficiently produced domestically as an industrial or agricultural input for certain critical applications, as a capital item, or as an agricultural product for consumption.

4.2.3.3.2. Industry may also apply for a rebate or refund of duty on inputs used in goods destined for the export market. The rebate or refund of the duty levied on inputs used in exports is an incentive for allowing manufacturers



to source their intermediate material and component inputs at world prices.

4.2.3.3.3. Rebates and drawbacks form a key pillar of certain industrial development programmes, such as the APDP for motor vehicles.

4.2.3.3.4. To enquire about this service contact the following people:

**Ms. Rika Theart**

Tel: +27 (12) 394 3674

Email: [rheart@itac.org.za](mailto:rheart@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

**Ms. Phatheka Busika**

Tel: +27 (12) 394 3595

Email: [pbusika@itac.org.za](mailto:pbusika@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

4.2.3.3.5. Application forms are available on the website.

4.2.3.4. **Production Incentive (“PI”) and Volume Assembly Allowance (“VAA”) under the APDP**

4.2.3.4.1. The PI is an incentive which is based on value-addition. This incentive is available to final manufacturers of qualifying motor vehicles, components and tooling.

4.2.3.4.2. The VAA is an incentive which is available to light motor vehicle assemblers who achieve a minimum plant volume of 10 000 units per annum. Beneficiaries of both incentives earn rebate credits which can be used to off-set customs duties on qualifying products.

4.2.3.4.3. To enquire about this service contact the following people:

**Ms. Phatheka Busika**

Tel: +27 (12) 394 3595

Email: [pbusika@itac.org.za](mailto:pbusika@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

4.2.3.4.4. The APDP Regulations and Information Documents are available on the website.

### 4.3. Trade Remedies

#### 4.3.1. Anti-dumping and Countervailing

4.3.1.1. The Trade Remedies Unit is responsible for all aspects relating to unfair international trade practices. These trade remedies or trade defence instruments are anti-dumping, countervailing measures and safeguards. These instruments are the subject of agreements in the WTO and are generally accepted exceptions to trade liberalisation.

4.3.1.2. South Africa, as a signatory to the WTO Agreement, is authorised to use these measures to protect the South African economy from imports that are priced below the normal value of the exporting country (dumping) or are subsidised by the government of the exporting country or country of origin and that cause material injury to the SACU industry, or against a surge of imports from all countries that causes serious injury to the SACU industry. Action against dumping is covered under the WTO Agreement on Implementation of Article VI of GATT 1994 (the Anti-Dumping Agreement). Relief against subsidised exports is covered under the WTO Subsidies and Countervailing Measures Agreement and relief sought as a result of increasing imports or a surge of imports causing serious injury is covered under the WTO Agreement on Safeguards.

#### 4.3.2. Action Against Dumping

4.3.2.1. ITAC conducts anti-dumping investigations, which provide protection for the SACU industry against unfair trade where foreign producers export their products to the SACU at prices lower than their domestic selling prices, thereby causing material injury to the SACU industry.

4.3.2.2. To enquire about this service contact the following people:

**Ms. Carina Van Vuuren**

Tel: +27 (12) 394 3594

Email: [cvanvuuren@itac.org.za](mailto:cvanvuuren@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

**Ms. Zoleka Xabendlini**

Tel: +27 (12) 394 3641

Email: [zxabendlini@itac.org.za](mailto:zxabendlini@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

4.3.2.3. Application forms are available on the website.

4.3.3. **Action Against Subsidised Exports**

4.3.3.1. ITAC conducts countervailing investigations, which provide protection for the SACU industry against products imported at prices that are subsidised by the government of the exporting country, thereby causing material injury to the SACU industry.

4.3.3.2. To enquire about this service contact the following people:

**Ms. Carina Van Vuuren**

Tel: +27 (12) 394 3594

Email: [cvanvuuren@itac.org.za](mailto:cvanvuuren@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

**Ms. Zoleka Xabendlini**

Tel: +27 (12) 394 3641

Email: [zxabendlini@itac.org.za](mailto:zxabendlini@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

4.3.3.3. Application forms are available on the website.

4.3.4. **Sunset Reviews of Duties in Place for Five Years**

4.3.4.1. ITAC conducts sunset reviews in order to determine whether any anti-dumping or countervailing duty that has been in place for five years needs to be continued, i.e. whether there will be a continuation or recurrence of injurious dumping or injurious subsidised exports if the duty were to be removed. The purpose of the service is to provide protection for the SACU industry against continuation or recurrence of dumping and material injury.

4.3.4.2. To enquire about this service contact the following people:

**Ms. Carina Van Vuuren**

Tel: +27 (12) 394 3594

Email: [cvanvuuren@itac.org.za](mailto:cvanvuuren@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

**Ms. Zoleka Xabendlini**

Tel: +27 (12) 394 3641

Email: [zxabendlini@itac.org.za](mailto:zxabendlini@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

4.3.4.3. Application forms are available on the website.

4.3.5. **Action Against Circumvention of Duties**

4.3.5.1. ITAC conducts circumvention investigations where anti-dumping or countervailing duties are circumvented. The purpose of this service is to provide protection for the SACU industry through the increase in or extension of the scope of application of dumping or countervailing duties.

4.3.5.2. To enquire about this service contact the following people:

**Ms. Carina Van Vuuren**

Tel: +27 (12) 394 3594

Email: [cvanvuuren@itac.org.za](mailto:cvanvuuren@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

**Ms. Zoleka Xabendlini**

Tel: +27 (12) 394 3641

Email: [zxabendlini@itac.org.za](mailto:zxabendlini@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

4.3.5.3. Application forms are available on the website.

4.4. **Import and Export Control**

4.4.1. In terms of the provisions of the ITA Act, the Minister may by notice in the Government Gazette prohibit the import or export of particular goods or prohibit

the import or export of particular goods without an import or export permit issued by ITAC. The import and export permit system is maintained by the Import and Export Control Directorate. Furthermore, the Import and Export Control Directorate ensures that goods which are subject to control measures are imported/exported in accordance with the import and export control regulations, policies and procedures.

#### 4.4.2. **Import Control**

4.4.2.1. ITAC issues import permits for specified controlled goods. The purpose of this service is to ensure that imported used or second-hand goods do not erode the domestic or the SACU industries and to ensure compliance with provisions of international agreements. This service also enhances control for environmental health and security reasons as well as safety and quality compliance.

4.4.2.2. To enquire about this service contact the following people:

**Mr. Sanjay Devnath**

Tel: +27 (12) 394 3607

Email: [sdevnath@itac.org.za](mailto:sdevnath@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

4.4.2.3. Application forms are available on the website.

#### 4.4.3. **Export Control**

4.4.3.1. ITAC issues export permits for specified controlled goods. The purpose of this service is, inter alia, to assist in enhancing beneficiation of goods prior to exportation, and to ensure compliance with provisions of international agreements. This service also assists in enhancing control over the outflow of goods regarded as being of a strategic nature and smuggled and/or stolen goods.

4.4.3.2. To enquire about this service contact the following people:

**Mr. Donovan Mitchell**

Tel: +27 (12) 394 3663

Email: [dmitchell@itac.org.za](mailto:dmitchell@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

4.4.3.3. Application forms are available on the website.

#### 4.4.4. **Investigate Contraventions Related to Import and Export Control**

4.4.4.1. ITAC conducts inspections to ensure that the conditions of import, export and rebate permits are adhered to. ITAC also investigates contraventions of the International Trade Administration Act, seizes illegally imported goods and goods destined for export without a valid export permit and prosecutes transgressors.

4.4.4.2. To enquire about this service contact the following people:

**Mr. Vuyo Ntambam**

Tel: +27 (12) 394 3604

Email: [vntambam@itac.org.za](mailto:vntambam@itac.org.za)

Postal address: Private Bag X753, Pretoria, 0001

4.4.4.3. Application forms are available on the website.

### 5. **Guide on How to Use PAIA**

5.1. The Information Regulator is the body that is responsible for monitoring organisations' compliance with PAIA and POPIA provisions. The Information Regulator has compiled a guide ("**the Guide**") on how to use PAIA in an easily comprehensible form and manner.

5.2. The Guide is available in each of the official languages, including braille, and can be found here: <https://inforegulator.org.za/paia-guidelines/>. The contact details of the Information Regulator are as follows:

Physical Address: JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg  
2001  
Tel: +27 (10) 023 5200

Website: [www.inforegulator.org.za](http://www.inforegulator.org.za)  
General enquiries: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)  
Complaints: [paiacomplaints@inforegulator.org.za](mailto:paiacomplaints@inforegulator.org.za) /  
[popiacomplaints@inforegulator.org.za](mailto:popiacomplaints@inforegulator.org.za)

5.3. A copy of the Guide is also available in three South African languages at ITAC's offices, for public inspection during normal office hours.

5.4. Please use the form in Annexure A to request a copy of the Guide. There is no fee payable when requesting a copy of the Guide.

## **6. Categories of Records that are Automatically Available**

6.1. In terms of PAIA, certain records can be accessed without a person having to request access in terms of PAIA. These are records that are not usually sensitive in nature.

6.2. Information on the following subjects is available on ITAC's web site ([www.itac.org.za](http://www.itac.org.za)) and can be accessed without formally requesting it:

6.2.1. ITA Act;

6.2.2. regulations (Safeguard, Anti-dumping, Countervailing, Import and Export Control, Tariff Investigations and APDP);

6.2.3. application forms (General, Export, Import, Tariff Investigations and Trade Remedies);

6.2.4. guidelines (Import and Export Control and Tariff Investigations);

6.2.5. government gazette notices;

6.2.6. reports on investigations;

6.2.7. annual report; and

6.2.8. archival material.

6.3. Non-confidential versions of information submitted in investigations initiated by ITAC can be accessed by interested parties in investigations, as defined in the applicable regulations, without a formal request in terms of this Manual.

6.4. You can request a copy of these records, upon payment of a fee for the reproduction as set out in Annexure B.

## 7. Description of the Records Held by ITAC in terms of PAIA

Subject Matter	Category
Corporate documents	<ul style="list-style-type: none"> <li>• Statutory records</li> <li>• Appointments relating to the Chief Commissioner, Deputy Chief Commissioner, and ordinary Commissioners, auditors and other public officials</li> <li>• Minutes and decisions of the Commission</li> <li>• Minutes and decisions of committees</li> <li>• Related correspondence</li> </ul>
Financial and procurement records	<ul style="list-style-type: none"> <li>• Tax returns</li> <li>• Accounting records</li> <li>• Banking records</li> <li>• Bank statements</li> <li>• Invoices</li> <li>• PAYE records</li> <li>• Records of payments made to SARS on behalf of employees</li> <li>• VAT records</li> <li>• UIF</li> <li>• Skills development levies</li> <li>• Workmen's compensation records</li> <li>• Budgets</li> <li>• Strategic plans</li> <li>• MTEF submissions</li> <li>• Asset register</li> <li>• Procurement policies</li> <li>• Related correspondence</li> </ul>



Human resources documentation	<ul style="list-style-type: none"> <li>• Policies on staff recruitment and other staff related policies</li> <li>• Employment equity plan</li> <li>• Employment records i.e. contracts, medical aid, pension fund, salaries, training, performance valuations, disciplinary records etc.</li> <li>• Related correspondence</li> </ul>
Trade remedies	Information submitted relating to anti-dumping, countervailing, and safeguards investigations
Tariff investigations	Information submitted relating to tariff investigations, rebate and drawback permits, and the APDP program
Import and export control	Information submitted in relation to applications for imports and exports of goods, rebate permits, and import and export control investigations

## 8. Procedure for Requesting Access to Records in terms of PAIA

- 8.1. Some categories of records are not automatically available to members of the public and must be formally requested as per the procedure set out in this section.
- 8.2. Access to records of information must be requested by completing the prescribed form in Annexure C, in full.
- 8.3. You must indicate if the request is for a copy of the record or if you want to inspect the records at the offices of ITAC.
- 8.4. Access to the information will be granted in your preferred form, if it exists. However, this will not apply if it would unreasonably interfere with the running and operation of ITAC or damage the record, or infringe a copyright not owned by the ITAC. If, for practical reasons, access cannot be given in the required form, but in an alternate form, the fee will be calculated according to the initial format.
- 8.5. If you are unable to read or write, or have a disability, then you can make the request for the record orally, in which event the Information Officer will complete the form on your behalf and furnish you with a copy of the completed form. We also accept telephonic requests.

- 8.6. You must clearly indicate on the request form:
- 8.6.1. if you wish to be informed of the success of the request telephonically, via email or in any other manner.
  - 8.6.2. the capacity in which the request is made. In the event the information is requested on behalf of somebody else, please submit proof of the capacity in which the request is made to the satisfaction of the Information Officer or Deputy Information Officer/s.
- 8.7. The request must be forwarded to Deputy Information Officer/s indicated in section 3 above, together with proof of payment of the access fee, who will then process the request.
- 8.8. After we have received your request, we will make a decision on whether to grant or refuse a request and give notice with reasons to that effect, within 30 (thirty) days of receipt of the request. If you do not hear from us within the 30-day period, then your request is deemed to have been refused.
- 8.9. Access to a record may be granted if:
- 8.9.1. the request is properly made on the prescribed form;
  - 8.9.2. proof of capacity/authority has been furnished if you make a request on behalf of another person;
  - 8.9.3. the requested record is sufficiently described to enable the Information Officer / Deputy Information Officer/s to identify it;
  - 8.9.4. the prescribed fees have been paid; and
  - 8.9.5. access to the record is not refused on one or more of the grounds of refusal specified in section 11 below.
- 8.10. We also notify you in writing if we require an extension, for example, if the request is for large amounts of information and cannot reasonably be obtained within the original period of 30 (thirty) days.

## **9. Fees**

- 9.1. The fees for requesting and searching for a record, as well as making copies of the record, are prescribed by PAIA regulations and attached as Annexure B.
- 9.2. An access fee must be paid before the request is processed, i.e. when you submit

your completed access request form to us.

- 9.3. If a request is granted, then a further access or search fee may be required. If, in the opinion of the Information Officer, it would require us more than six hours to search for and prepare a record for you, we will notify you about this on a form corresponding with Annexure D. In this case, we will request a deposit of a portion of the access fee, an amount which does not exceed one third of the full amount payable, if the request is granted.
- 9.4. ITAC reserves the right to withhold access to a record until the requester has paid the applicable fees (if any).
- 9.5. Certain categories of persons are exempt from paying fees. These categories include persons who qualify on the basis of their annual income and those who are requesting personal information. Persons who are requesting personal information about themselves or their minor children do not have to pay a fee.
- 9.6. The prescribed fees must be paid to ITAC's account, banking details will be provided on request. Please email proof of payment of the fee to the Deputy Information Officer/s.

## **10. Information Relating to POPIA**

- 10.1. POPIA requires us to provide you with certain information in relation to how personal information that we process is, amongst others, used, disclosed and destroyed.
- 10.2. You are entitled to request that we confirm, free of charge, whether we process any personal information pertaining to you. You are also entitled to request that we provide you with a description or copies of records containing your personal information, as well as confirmation of the identity of all third parties or categories of third parties, who have, or have had access to such information.
- 10.3. You can exercise this right by way of an email addressed to the Deputy Information Officer/s, whose contact details are reflected above.
- 10.4. A fee is not payable if you request us to confirm whether or not ITAC holds personal information about you. However, we will require proof of identification from you.
- 10.5. If we provide you with your personal information, you have the right to request the correction, deletion or destruction of your personal information. This can be done by

completing the form in Annexure E.

10.6. You also have the right to object to the processing of your personal information. This can be done by completing the form in Annexure F.

10.7. We will give you a written estimate of the fee for providing you with your personal information, before providing you with the services. We may also require you to provide us with a deposit for all or part of the fee prior to giving you the requested personal information.

10.8. Categories of records that we hold in terms of POPIA:

Category of Data Subject	Category of Personal Information
Prospective employees, current employees, consultants, interns and volunteers	names; contact details; date of birth; physical and postal addresses; date of birth; id number; nationality; gender; confidential correspondence; beneficiaries; next of kin; financial information; educational history; employment history; criminal history; health information; references; background checks.
Prospective and current service providers, contractors, sub-contractors, and business partners	names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners; contact details; background checks; account information; performance reports.
Visitors, website users, members of the public	names; electronic identification data: IP address; log-in data, cookies, electronic localisation data; cell phone details, GPS data; contact details; compliments or complaints.

10.9. POPIA further provides that personal information may only be processed lawfully in a reasonable manner that does not infringe your privacy. The type of personal information we process will depend on the purpose for which it is collected. We will disclose to you why the personal information is being collected and will process the personal information for this purpose only.

10.10. We may supply personal information to these potential recipients:

10.10.1. management;

- 10.10.2. employees;
- 10.10.3. temporary staff;
- 10.10.4. certain officials of the Department of Trade, Industry and Competition
- 10.10.5. contracted service providers;
- 10.10.6. other recipients in international organisations.
- 10.11. We endeavour to enter into written agreements to ensure that other parties comply with our confidentiality and privacy requirements. Personal information may also be disclosed where we have a legal duty or a legal right to do so.
- 10.12. Planned transborder flows of personal information:
  - 10.12.1. We may disclose personal information to third-party service providers whose services or products we elect to use, including cloud services hosted in international jurisdictions.
  - 10.12.2. Additionally, we may transfer personal information as required in terms of the ITA Act.
- 10.13. General description of the security measures implemented by ITAC to ensure the confidentiality, integrity and availability of the information:
  - 10.13.1. ITAC employs appropriate, reasonable technical and organisational measures to prevent the loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information.
  - 10.13.2. These measures include:
    - 10.13.2.1. information security policies;
    - 10.13.2.2. segregation of user access rights;
    - 10.13.2.3. logical and physical access controls; and
    - 10.13.2.4. secure setup of hardware and software making up our information technology structure.

## **11. Refusal of Request**

- 11.1. The main grounds for ITAC to refuse a request for information relates to the:
  - 11.1.1. mandatory protection of confidential information of third parties if it is protected

in terms of the ITA Act;

- 11.1.2. 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;
- 11.1.3. mandatory protection of the commercial information of a third party, if the record contains trade secrets of that third party;
- 11.1.4. mandatory protection of the commercial information of a third party, if the record contains financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- 11.1.5. mandatory protection of the commercial information of a third party, if the record contains information disclosed in confidence by a third party to the institution, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 11.1.6. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 11.1.7. mandatory protection of the safety of individuals and the protection of property;
- 11.1.8. mandatory protection of records which would be regarded as privileged in legal proceedings;
- 11.1.9. the commercial activities of the institution.
- 11.2. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 11.3. **Internal Appeal Procedures Against Refusal of Access to Information**
  - 11.3.1. The ITA Act does not stipulate a formal internal appeal process, however, ITAC is compliant with its obligations in terms of the *Promotion of Administrative Justice Act* 3 of 2000 to make decisions which are fair, just and reasonable.
  - 11.3.2. An aggrieved party may apply to a High Court for a review of a decision made by ITAC. An aggrieved party has the right to approach the courts where they dissatisfied with the imposition of fees, the time frames within which they received a response from ITAC, or a decision to refuse access in part or fully.

## **12. Miscellaneous**

### **12.1. Updating of the Manual**

This Manual will be updated when necessary.

### **12.2. Availability of the Manual**

A copy of this Manual will be available at the offices at ITAC and on its website:

[www.itac.org.za](http://www.itac.org.za).

**Annexure A – Request for a Copy of the Guide**

To: **\*The Information Regulator**

P.O Box 31533

Braamfontein,

2017

E-mail address: [paia-compliance@info-regulator.gov.za](mailto:paia-compliance@info-regulator.gov.za)

Tel number: +27 (0) 10 023 5200

OR

To: **\*The Information Officer**

[informationofficer@itac.org.za](mailto:informationofficer@itac.org.za)

I,

Full names:				
In my capacity as (mark with "X"):	Information Officer:		Other:	
Name of *public/private body (if applicable):				
Postal address:				
Street address:				
Email address:				
Facsimile:				
Contact numbers:	Tel.(B):		Cellular:	

hereby request the following copy(ies) of the guide:

Language (mark with "X")	No of Copies	Language (mark with "X")	No of Copies



	Sepedi			Sesotho	
	Setswana			siSwati	
	Tshivenda			Xitsonga	
	Afrikaans			English	
	IsiNdebele			isiXhosa	
	IsiZulu				
<b>Manner of Collection (mark with "X"):</b>					
Personal Collection	Postal Address	Facsimile	Electronic Communication <i>(please specify)</i>		

Signed at ..... this ..... day of ..... 20.....

.....

*Signature of requester*

\*Delete whichever is not applicable.

### Annexure B – Fees for Public Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on: <ul style="list-style-type: none"> <li>i. Flash drive (to be provided by requester)</li> <li>ii. Compact disc <ul style="list-style-type: none"> <li>• If provided by requester</li> <li>• If provided to requester</li> </ul> </li> </ul>	R40.00  R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: <ul style="list-style-type: none"> <li>i. Flash drive (to be provided by requestor)</li> <li>ii. Compact disc <ul style="list-style-type: none"> <li>• If provided by requester</li> <li>• If provided to requester</li> </ul> </li> </ul>	R40.00  R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.  To not exceed a total cost of:	R100.00  R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of item 2 to 8.
11.	Postage, email or any other electronic transfer	Actual expense, if any.

## Annexure C – Request for Access to a Record

Note:

- Proof of identity must be attached by the requester
- If requests made on behalf of another person, proof of such authorisation must be attached to this form.

To: The Information Officer of ITAC  
The dtic Campus  
77 Meintjies Street  
Sunnyside  
Pretoria  
Postal address: Private Bag X753, Pretoria, 0001

Email address: [informationofficer@itac.org.za](mailto:informationofficer@itac.org.za)

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person

PERSONAL INFORMATION	
Full names:	
Identity number:	
Capacity in which request is made (when made on behalf of another person):	
Postal address:	
Street address:	

Email address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity number:			
Postal address:			
Street address:			
Email address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<p><i>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. (If the space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of the record or relevant part of the record:			
Reference number, if available:			

Any further particulars of record:	

**TYPE OF RECORD**  
*(Mark the applicable box with an "X")*

Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

**FORM OF ACCESS**  
*(Mark the applicable box with an "X")*

Printed copy of record <i>(included copies of any virtual images, transcriptions and information held on computer or in an electronic, or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtrack)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtrack)</i>	
Copy of record saved on cloud storage server	

**MANNER OF ACCESS**  
*(Mark the applicable box with an "X")*

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
Email of information <i>(including soundtracks if possible)</i>	
Cloud share / file transfer	
Preferred language <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>	

**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**  
*If the provided space is inadequate, please continue on a separate page and attach it to this Form.  
The requester must sign all the additional pages.*

Indicate which right is to be exercised or protected:	
Explain why the record requested is required for the exercise or the protection of the aforementioned	

right:	

**FEES**

a) *A request fee must be paid before the request will be considered.*

b) *You will be notified of the amount of the access fee to be paid.*

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 fee, please state the reason for the exemption.*

Reason:	

You will be notified in writing whether your request has been approved or denied and if approved, the costs relating to your request, if any. Please indicate your preferred manner of correspondence.

Postal Address	Facsimile	Electronic communication (Please specify)

Signed at ..... this ..... day of ..... 20.....

.....

**Signature of requester / person on whose behalf request is made**

---

**FOR OFFICIAL USE**

<i>Reference number:</i>	
<i>Request received by:</i> <i>(State rank, name and surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

.....

**Signature of Information Officer**



## Annexure D – Outcome of Request and of Fee Payable

Note:

- If your request is granted the-
  - a. Amount of the deposit, (if any), is payable before your request is processed; and
  - b. Requested record/portion of the record will only be released once proof of full payment is received.
- Please use the reference number hereunder in all future correspondence.

Reference number: \_\_\_\_\_

TO: (Insert requester name)

You request dated \_\_\_\_\_ refers.

### 1. You requested:

Personal inspection of information at registered address of public/private body ( <i>including listening to recorded words, information which can be reproduced in sound, all information held on computer or in an electronic or machine-readable form</i> ) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure C.	
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

OR

### 2. You requested:

Printed copies of the information ( <i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i> )	
Written or printed transcription of virtual images ( <i>this includes photographs, slides, video recordings, computer generated images, sketches, etc</i> )	
Transcription of soundtrack ( <i>written or printed document</i> )	
Copy of information on flash drive ( <i>including virtual images and soundtracks</i> )	
Copy of information on compact disc drive ( <i>including virtual images and soundtracks</i> )	

Copy of record saved on cloud storage server	
----------------------------------------------	--

**3. To be submitted:**

Postal services to postal address	
Postal services to street address	
Courier services to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/ file transfer	
Preferred language:  <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>	

Kindly note that your request has been:

Approved

Denied for the following reasons:


**4. Fees payable with regard to your request:**

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy	R1.50 per page or part thereof.		
Printed copy	R1.50 per page or part thereof.		
For a copy in a computer readable form on:			
i. Flash drive	R40.00		
• To be provided by requester			
ii. Compact disc	R40.00		
• If provided by requester			
• If provided to the requester	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider.		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
i. Flash drive	R40.00		
• To be provided by requester			
ii. Compact disc	R40.00		
• If provided by requester			
• If provided to the requester	R60.00		
Postage, email or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

**5. Deposit payable (if search exceeds six hours):**

Yes

No



*(calculated on one third of total amount per request)*

The amount must be paid into the following bank account:

Name of bank:	
Name of account holder:	
Type of account:	
Account number:	
Branch code:	
Reference number:	
Submit proof of payment to:	informationofficer@itac.org.za

Signed at ..... this ..... day of ..... 20.....

.....

*Signature of Information Officer*

## Annexure E – POPIA Request for Correction / Deletion

Note:

- Affidavits or other documentary evidence in support of the request must be attached.
- If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference number: \_\_\_\_\_

Mark the appropriate box with an “X”.

**Request for:**

Correction or deletion of the personal information about the data subject which is possession or under the control of the responsible party

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information

A. DETAILS OF THE DATA SUBJECT			
Surname:			
Full names:			
Identity number:			
Residential, postal or business address:			
		Code:	
Contact number(s):			

Fax number:			
Email address:			
<b>B. DETAILS OF THE RESPONSIBLE PARTY</b>			
Name and surname of the responsible party <i>(if the responsible party is a natural person)</i>			
Residential, postal or business address:			
		Code:	
Contact number(s):			
Fax number:			
Email address:			
<b>C. REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT / *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY</b>			
<i>(Please provide detailed reasons for the request)</i>			

Signed at ..... this ..... day of ..... 20.....

.....

*Signature of data subject*

## Annexure F – POPIA Request for Objection

Note:

- Affidavits or other documentary evidence in support of the request must be attached.
- If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference number: \_\_\_\_\_

A. DETAILS OF THE DATA SUBJECT	
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
	Code: <span style="border: 1px solid black; display: inline-block; width: 50px; height: 15px;"></span>
Contact number(s):	
Fax number:	
Email address:	
B. DETAILS OF THE RESPONSIBLE PARTY	
Name and surname of the responsible party <i>(if the responsible party is a natural person)</i>	
Residential, postal or business address:	



		Code:	
Contact number(s):			
Fax number:			
Email address:			
<b>C. REASONS FOR OBJECTION</b>			
<i>(Please provide detailed reasons for the request)</i>			

Signed at ..... this ..... day of ..... 20.....

.....

*Signature of data subject*